

From: Garbow, Avi

Location: 4045

Importance: Normal

Subject: Developing Next Steps in the Title VI REACH CAFOs Case; **Ex. 6 - Personal Privacy**

Ex. 6 - Personal Privacy

Start Date/Time: Mon 10/17/2016 8:30:00 PM

End Date/Time: Mon 10/17/2016 9:30:00 PM

2016.10.17 Briefing ATT. C List of studies & reports 10.13.2016.docx

2016.10.17 Briefing ATT. B Impact from declarations 10.13.2016.docx

2016.10.17 Briefing ATT. A REACH complaint BACKGROUND timeline 10.13.2016.docx

2016.10.17 Agenda REACH & NC CAFOs mtg.docx

2016.10.17 Briefing paper Approach REACH & NC swine CAFOs 10.13.docx

2016.10.17 Briefing ATT. D 09 03 14 Complaint - Exhibit 2 - Wing comments on Gen permit (2013).pdf

2016.10.17 Briefing ATT. B Impact from declarations 10.13.2016.docx 2016.10.17 Agenda REACH & NC CAFOs mtg.docx 2016.10.17 Briefing ATT. D 09 03 14 Complaint - Exhibit 2 - Wing comments on Gen permit (2013).pdf

From: Whickum, Cheryl

Location: DCRoomARN2450B/DC-ARN-OCR-Rooms;

Ex. 6 - Personal Privacy

Ex. 6 - Personal Privacy

Importance: High

Subject: REACH Case Mgmt Action Plan Mtg

Start Date/Time: Fri 3/6/2015 7:00:00 PM

End Date/Time: Fri 3/6/2015 8:00:00 PM

[REACH Action Plan.pdf](#)

[RFI.pdf](#)

A Warm & Hearty, Great & Good Day to You!
Everyone:

While I understand that there are some staff on leave today, please indicate whether you will be able to attend this brief meeting to update the status on the attached (below) REACH Action Plan, RFI, and the e-mail message.

Please feel free to call in, if you are able, the dial-in conference call phone number will be activated.

Thank you

Cheryl Whickum
U. S. EPA
Office of Civil Rights
1200 Pennsylvania Ave, NW
WJC-North, Rm 2450, Mail Code: 1201A
Washington, DC 20460
202-564-4366 (Direct Line)
202-564-7272 (Office Line)
202-501-1836 (Fax Line)

From: Whickum, Cheryl

Location: DCRoomARN2528/DC-ARN-OCR-Rooms

Ex. 6 - Personal Privacy

Ex. 6 - Personal Privacy

Importance: Normal

Subject: TENTATIVE -- Teleconf Call _ NC CAFO Drone Video Briefing

Start Date/Time: Tue 2/17/2015 4:30:00 PM

End Date/Time: Tue 2/17/2015 5:30:00 PM

TIME CHANGE: FR/12:00N TO/11:30 A.M.

=====

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**LOCATION CHANGE: WJC-NORTH, CONF.
RM. 2528**

From: Shapiro, Mike

Location: 3233 WJCE Call in #

Ex. 6 - Personal Privacy

Importance: Normal

Subject: NC DEQ's Swine Waste General Permit Program Call in #

Ex. 6 - Personal Privacy

Ex. 6 - Personal Privacy

Start Date/Time: Fri 7/1/2016 5:30:00 PM

End Date/Time: Fri 7/1/2016 6:00:00 PM

2015 Heaney, et al. (Wing) fecal Swine waste.pdf

USGS (2015) NC Watershed impacts from CAFOs study.pdf

From: Farrell, Ericka
Location: DCRoomARN2450T/DC-ARN-OCR-Rooms
Importance: Normal
Subject: REACH - Discussion (RFI)
Start Date/Time: Wed 4/27/2016 5:00:00 PM
End Date/Time: Wed 4/27/2016 5:30:00 PM
REACH draft RFI 3 25 2016 to DOJ with FCS comments mmo.doc

Changed to conference room 2450T inside the OCR main room. Dial in number

Ex. 6 - Personal Privacy

Ex. 6 - Personal Privacy

The focus will be on the drafted RFI. Here is the last version of the RFI with DOJ and CFRFLO comments.



Office of Civil Rights
REACH Complaint Meeting
August 17, 2016 · 3 p.m. – 4 p.m.
WJC North Conference Room 2528

Conference Number- **Ex. 6 - Personal Privacy**

Agenda

1. Update on Complaint
2. Meeting with Community
3. Follow-up to Ethan meeting (Mary & Johahna)
4. Follow-up to call with Laurie/DOJ (Mary/Dan/Johahna)
 - a. Disparity analysis/comparators
 - b. Retaliation
5. Outstanding items OCR requested from Earthjustice (Ericka)
6. Outreach

Notes

- _____
- _____
- _____



Office of Civil Rights
REACH Complaint Meeting
August 25, 2016 · 3 p.m. – 4 p.m.
WJC North Conference Room 2528

Conference Number- **Ex. 6 - Personal Privacy**

Agenda

-
1. Chart on Pathways to resolving complaint
 2. Meeting with Community
 3. Follow-up to call with Laurie/DOJ (Mary/Dan/Johanna)
 - a. Disparity analysis/comparators
 - b. Retaliation
 4. Outstanding items OCR requested from Earthjustice (Ericka)

Notes

- _____
- _____
- _____

Message

From: Isales, Daniel [Isales.Daniel@epa.gov]
Sent: 11/30/2016 2:09:48 PM
To: Marianne Engelman Lado [mengelmanlado@earthjustice.org]
CC: 'Haddix, Elizabeth McLaughlin (emclaugh@email.unc.edu)' [emclaugh@email.unc.edu]; 'Ducharme, Brent' [ducharme@email.unc.edu]; Alexis Andiman [aandiman@earthjustice.org]; O'Lone, Mary [OLone.Mary@epa.gov]; Dorka, Lilian [Dorka.Lilian@epa.gov]; Covington, Jeryl [Covington.Jeryl@epa.gov]; Farrell, Ericka [Farrell.Ericka@epa.gov]
Subject: RE: Interview with NC Waterkeepers (REACH Complaint)

Marianne,

Thank you very much for resending-confirming receipt. Daniel

Daniel L. Isales (3RC60)
United States Environmental Protection Agency, Region III
Environmental Science Center
701 Mapes Road
Fort Meade, Maryland 20755-5350

(410) 305-3016
Isales.daniel@epa.gov

From: Marianne Engelman Lado [mailto:mengelmanlado@earthjustice.org]
Sent: Wednesday, November 30, 2016 8:56 AM
To: Isales, Daniel <Isales.Daniel@epa.gov>
Cc: 'Haddix, Elizabeth McLaughlin (emclaugh@email.unc.edu)' <emclaugh@email.unc.edu>; 'Ducharme, Brent' <ducharme@email.unc.edu>; Alexis Andiman <aandiman@earthjustice.org>; O'Lone, Mary <OLone.Mary@epa.gov>; Dorka, Lilian <Dorka.Lilian@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>
Subject: RE: Interview with NC Waterkeepers (REACH Complaint)

Daniel,

We're confirmed for Friday from 1-3.

Attached please find the photos. Please confirm receipt.

We look forward to receiving the call-in number, as well.

Thanks,

Marianne

Marianne Engelman Lado
Senior Staff Attorney
Earthjustice
48 Wall Street, 19th Floor
New York, NY 10005
T: 212.845.7393

F: 212.918.1556
earthjustice.org

Note: Starting January 1, 2017, I'll be launching a new environmental justice clinic at Yale Law School. Please feel free to reach me at Yale, by cell at 917 608-2053, or by email, marianne.lado@gmail.com.



*The information contained in this email message may be privileged, confidential and protected from disclosure.
If you are not the intended recipient, any dissemination, distribution or copying is strictly prohibited.
If you think that you have received this email message in error, please notify the sender by reply email and
delete the message and any attachments.*

From: Isales, Daniel [<mailto:Isales.Daniel@epa.gov>]
Sent: Tuesday, November 29, 2016 1:39 PM
To: Marianne Engelman Lado
Cc: 'Haddix, Elizabeth McLaughlin (emclaugh@email.unc.edu)'; 'Ducharme, Brent'; Alexis Andiman; O'Lone, Mary; Dorka, Lilian; Covington, Jeryl; Farrell, Ericka
Subject: RE: Interview with NC Waterkeepers (REACH Complaint)

Marianne,

Thank you very much for making the arrangements on short notice-we look forward to talking to you this Friday, 12/2/16, from 1-3PM. We will make the arrangements for the conference call bridge as we intend to record it, if possible (if you have any objection to it being recorded, please let us know). As soon as we have the call-in information, we will send a follow up email.

I had one follow up request regarding your note below-I did not receive the photographs Ex. 6 - Personal Privacy as an attachment to your email-could you please resend them at your earliest convenience.

Thank you very much, Daniel

Daniel L. Isales (3RC60)
United States Environmental Protection Agency, Region III
Environmental Science Center
701 Mapes Road
Fort Meade, Maryland 20755-5350

(410) 305-3016
Isales.daniel@epa.gov

From: Marianne Engelman Lado [<mailto:mengelmanlado@earthjustice.org>]
Sent: Monday, November 28, 2016 5:32 PM
To: Isales, Daniel <Isales.Daniel@epa.gov>
Cc: 'Haddix, Elizabeth McLaughlin (emclaugh@email.unc.edu)' <emclaugh@email.unc.edu>; 'Ducharme, Brent' <ducharme@email.unc.edu>; Alexis Andiman <aandiman@earthjustice.org>; O'Lone, Mary <OLone.Mary@epa.gov>; Dorka, Lilian <Dorka.Lilian@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>
Subject: Interview with NC Waterkeepers (REACH Complaint)

Daniel,

Thanks for your email requesting information and times for a telephonic interview with Waterkeeper representatives and North Carolina Riverkeepers ("Waterkeepers").

As you know, juggling schedules in short order can be a challenge, but most of the Waterkeepers can make a call this Friday from 1-3. We're hoping that this time might work for you.

Please let us know and we can confirm the time.

As you know, Larry Baldwin, who was for many years the Lower Neuse Riverkeeper, spent five years as the North Carolina CAFO Coordinator, and is now the Crystal Coast Waterkeeper, previously submitted a declaration in support of the Complaint. His declaration was attached to the Complaint as Exhibit 6. In the declaration, Mr. Baldwin describes his experience monitoring and testing waters to determine the concentration of nutrients and bacteria from sources of industrial hog operations and other sources of waste in the water, a role played by each of the Waterkeepers who will join the call. The Waterkeepers also monitor industrial hog operations from the air, file and follow up on complaints with DEQ, and have generally worked together with community members to protect the waterways of North Carolina. Mr. Baldwin's declaration was also accompanied by multiple photographs and sample water monitoring reports, as well as an unpublished report on Stocking Head Creek by Michael A. Mallin, dated Jan. 28, 2014.

Over time, the Waterkeepers have documented the impact of the operation of industrial swine facilities under the state general permit and, also, the cumulative impacts of swine and poultry waste in eastern North Carolina waterways. We hesitate to send any additional information, given our belief that OCR has more than sufficient evidence to make a finding of discrimination under Title VI and EPA regulations and issue preliminary findings and recommendations. The information attached to and in the body of this email is sent as a supplement in preparation for the interview with the Waterkeepers, with the hope that OCR will be able to discuss this material during the call.

First, attached to this email, please find a set of photographs taken by **Ex. 6 - Personal Privacy**. After the site visit to Garysburg, **Ex. 6 - Personal Privacy** noticed unusual activity involving tanker trucks in connection with a swine facility. The next day, on November 16, 2016, he arranged to fly over the facility, concerned that he had seen an effort to draw down lagoon levels in violation of state permitting requirements. **Ex. 6 - Personal Privacy** was able to capture an image of the lagoon and trucks, and took other photographs that appear to show a center pivot sprayer land-applying waste onto fields with ponded water, which appear saturated. Waterkeeper reported this potential violation to DEQ, which followed up and issued a notice of violation. Had **Ex. 6 - Personal Privacy** not been present, noticed the unusual activity, and arranged for a flyover, however, it is highly unlikely that this violation would have been noticed or addressed by DEQ.

Second, **Ex. 6 - Personal Privacy** will be available to speak about the series of videos that were recently released by Waterkeeper Alliance and North Carolina Riverkeepers capturing the struggle of community members living with the impacts of industrial animal production. Together, Waterkeeper Alliance and its North Carolina counterparts present first-hand accounts of community members, scientific experts and others on the ground, showing the impacts of animal product to public health, quality of life, and local waterways. The nine short videos are listed below:

- "The True Cost of Industrial Meat Production" -- An overview of what is happening in North Carolina, where industrial animal production has taken the place of family farms.
- "Wasting Away" -- Highlights the problem of industrial animal waste and how the pork industry is not being held accountable to dispose of it correctly.
- "Belly Up" -- How waste generated by industrial meat production is decimating North Carolina's waterways and in turn, killing its fish and ecosystems.
- "Birthright" -- Community members whose families have lived on their properties for generations talk about the heritage of their land and how it has been overtaken by industrial agriculture and animal waste.
- "Prisoners" -- Residents discuss how they have become prisoners in their own homes due to the impacts of pollution from industrial animal production, which make it nearly impossible for them to enjoy their property.

- "Mislabeled" -- How the pork industry deceives consumers with its marketing tactics and labeling of its products.
- "Bullied" -- Duplin County resident Elsie Herring talks about how she has been intimidated and threatened by the pork industry to remain silent about the injustices she and her family faces.
- "Silenced" -- The pork industry intimidates by bullying and seeking to silence the people most affected by the impacts of its pollution.
- "The Value of Land" -- The pork industry's refusal to dispose of its waste in a regulated and more sustainable manner has decimated people's property values, making them unable to move.

These videos expand on the recent landmark report and GIS initiative by Waterkeeper Alliance, North Carolina Riverkeeper organizations and Environmental Working Group that shows the location and waste outputs of more than 6,500 swine, cattle and poultry operations throughout North Carolina. (Complainants previously forwarded information on the maps produced by the GIS initiative; available at <http://waterkeeper.org/fields-of-filth-landmark-report-maps-feces-laden-hog-and-chicken-operations-in-north-carolina/>.)

The Waterkeepers can also speak to their recent experience documenting the impacts of Hurricane Matthew and, particularly, the risks posed by lagoons and sprayfields to the waterways in this low lying coastal region, which is susceptible to hurricanes. See Complaint paragraphs 75-78. The North Carolina Riverkeepers conducted flyovers, documented spraying in advance of the storm (in violation of state permit conditions), and photographed overflows and potential problems at the facilities in the aftermath of the hurricane. See photos at <https://www.flickr.com/photos/waterkeeperalliance/sets/72157673749082442>.

Please let me know if these materials raise any question or if you have questions that you'd like the Waterkeepers to consider in advance of the call. Please also let me know if you plan to circulate a call-in number or whether we should set up the call.

Sincerely,

Marianne

Marianne Engelman Lado
Senior Staff Attorney
Earthjustice
48 Wall Street, 19th Floor
New York, NY 10005
T: 212.845.7393
F: 212.918.1556
earthjustice.org

Note: Starting January 1, 2017, I'll be launching a new environmental justice clinic at Yale Law School. Please feel free to reach me at Yale, by cell at 917 608-2053, or by email, marianne.lado@gmail.com.



The information contained in this email message may be privileged, confidential and protected from disclosure. If you are not the intended recipient, any dissemination, distribution or copying is strictly prohibited. If you think that you have received this email message in error, please notify the sender by reply email and delete the message and any attachments.

Message

From: Farrell, Ericka [Farrell.Ericka@epa.gov]
Sent: 11/10/2016 8:01:05 PM
To: O'Lone, Mary [OLone.Mary@epa.gov]; Dorka, Lilian [Dorka.Lilian@epa.gov]; Isales, Daniel [Isales.Daniel@epa.gov]; Covington, Jeryl [Covington.Jeryl@epa.gov]; Johnson, Johahna [Johnson.Johahna@epa.gov]; Wilson, Adam [wilson.adam@epa.gov]
Subject: RE: REACH - weekly
Attachments: Declarations Part 1 11102016.pdf; Table on site sort of declarations impacts 11.1.2016 (002).docx



Declarations Part 1
11102016.pdf



Table on site sort
of declarations i...

Dial in number

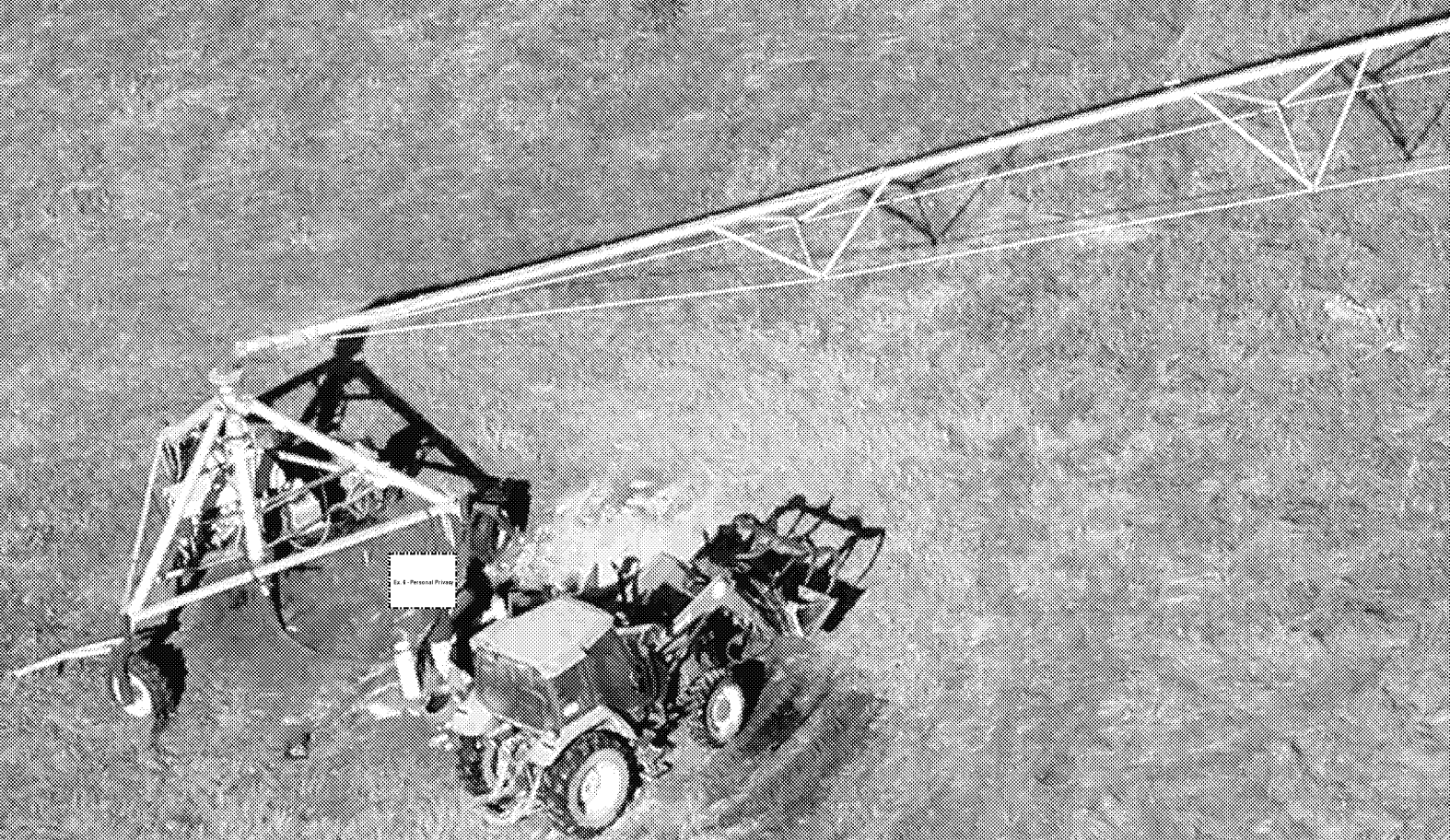
Ex. 6 - Personal Privacy

Ericka Farrell
202-564-0717

-----Original Appointment-----

From: O'Lone, Mary
Sent: Monday, October 24, 2016 9:31 AM
To: O'Lone, Mary; Dorka, Lilian; Farrell, Ericka; Isales, Daniel; Covington, Jeryl; Johnson, Johahna; Wilson, Adam
Subject: REACH - weekly
When: Thursday, November 10, 2016 3:00 PM-4:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: OCR conf. room & we will call Dan.

I think our meetings are now scheduled every other week. I am filling in the off Thursdays so that we have them every week until we determine they are not needed.



When the operator saw us flying over,
he shut the sprayer down



Message

From: O'Lone, Mary [OLone.Mary@epa.gov]
Sent: 11/2/2016 11:59:23 AM
To: Dorka, Lilian [Dorka.Lilian@epa.gov]
Subject: RE: REACH - draft email following up on Oct. 17th meeting

It look fine to me. Make sure to change the November due dates. Maybe next Wednesday the 9th for the first 2. Also, I wasn't on the call with R4, but Dan mentioned in a passing note that the people we were given weren't going to be helpful in ways we thought, so he & I were going to talk about it today & let you know what the scoop is. So I think that might mean you save the OECA specific item a bit, but get the rest of it out ASAP.

Mary O'Lone
Civil Rights and Finance Law Office
Office of General Counsel
US EPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460
(202) 564-4992

From: Dorka, Lilian
Sent: Tuesday, November 01, 2016 7:58 PM
To: O'Lone, Mary <OLone.Mary@epa.gov>
Subject: RE: REACH - draft email following up on Oct. 17th meeting
Importance: High

Nope, it did not. Want to confirm with you that the changes below are ok? Also, does this go to ALL who attended the meeting on the 17th or just certain attendees?

Lilian Sotolongo Dorka
Acting Director, EPA, Office of Civil Rights
202-564-9649
WJC-N Room 2450

From: O'Lone, Mary
Sent: Tuesday, November 01, 2016 6:35 PM
To: Dorka, Lilian <Dorka.Lilian@epa.gov>
Subject: RE: REACH - draft email following up on Oct. 17th meeting

Lilian-

Did this email go out?

I am drowning in emails btwn Ex. 5 - Deliberative Process (I am sure you have even more)

Just want to make sure I didn't lose it in the mix.

I am still digging out from last week.

Mary O'Lone
Civil Rights and Finance Law Office
Office of General Counsel
US EPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460

From: Dorka, Lilian
Sent: Friday, October 28, 2016 9:40 PM
To: Rhodes, Julia <Rhodes.Julia@epa.gov>
Cc: Packard, Elise <Packard.Elise@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>; Isales, Daniel <Isales.Daniel@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; Shenkman, Ethan <Shenkman.Ethan@epa.gov>; Prabhu, Aditi <Prabhu.Aditi@epa.gov>
Subject: Re: REACH - draft email following up on Oct. 17th meeting

Thanks Julia!

Sent from my iPhone

On Oct 28, 2016, at 4:57 PM, Rhodes, Julia <Rhodes.Julia@epa.gov> wrote:

Hi Lilian,

Ex. 5 - Attorney Client

Please let us know if you have any additional questions or concerns.

Julia Rhodes
Assistant General Counsel for the Civil Rights Practice Group
Civil Rights and Finance Law Office
Office of General Counsel
Environmental Protection Agency
1200 Pennsylvania Avenue, NW, 2399A
Washington, DC 20460
Phone: 202.564.1417

From: O'Lone, Mary
Sent: Monday, October 24, 2016 5:26 PM
To: Dorka, Lilian <Dorka.Lilian@epa.gov>
Cc: Isales, Daniel <Isales.Daniel@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>; Rhodes, Julia <Rhodes.Julia@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Subject: REACH - draft email following up on Oct. 17th meeting

Lilian –Here is a draft of the follow-up email from our Oct. 17th meeting. The list of remedies sent by complainants referenced in the email is attached. Thanks, Mary

I want to thank you all for participating in our discussion on October 17th about Title VI and OCR's case regarding North Carolina's swine CAFOs. I also want to memorialize the requests for assistance and when OCR will need that information as it moves forward with the investigation and informal resolution.

OCR needs the assistance of the program offices and ORD on:

1. Are there any health impacts listed in Section IV of the briefing paper that it would be fruitful for OCR to consider? If so, which ones? **OCR will need each office's input by COB, Friday, November 4, 2016**
2. Alternatively, are there any health impacts listed in Section IV of the briefing paper that your office would have strong reservations with OCR pursuing in interviews with residents during its onsite visit in North Carolina in mid-November? If so, which ones and why? **OCR will need each office's input by COB, Friday, November 4, 2016.**
3. Are there any studies or other information on Attachment C that your office is not comfortable with OCR citing even for the limited purpose of defining the adversely-impacted population during initial discussions with North Carolina? If so, which ones and why? **OCR will need each office's input by COB, Friday, December 2, 2016**
4. Both Region 4 and OECA mentioned information that it had received either from REACH and/or related to groundwater monitoring. We would like to set up time in the next two weeks to discuss that information. **Please send contact information for the pertinent people to Dan Isales (isales.daniel@epa.gov) by COB October 28, 2016 so we can set up the meetings.**
5. During the informal resolution process, OCR generally proposes measures that NC DEQ could take to resolve the complaint. The Complainants have submitted a variety of measures (see attached list). OCR needs assistance from the appropriate program offices and R4 to evaluate those proposed measures and to provide OCR with any additional proposed measures that your office believes would be productive. **OCR will need each office's input by COB, Friday, December 2, 2016.**
6. We understand that both EPA staff and staff at the USDA are familiar with and/or have been studying a variety of technologies to reduce impacts from swine CAFOs. OCR would like to set up a meeting to speak with EPA knowledgeable staff and ask OW's assistance to set up a call with the appropriate USDA staff to learn about these technologies. **Please send contact information for pertinent people to Dan Isales by COB November 1, 2016 so we can set up the meetings.**

[I don't know if you want this here or it is coming in another email. –

- 1) In addition, we began a discussion of actions under environmental programs that could be undertaken by either the programs or Region 4. Some offices wanted time to consider those options listed and potentially others. As mentioned at our meeting, OCR intends to approach NC DEQ before the end of the calendar year with the information it has gathered and discuss informal resolution. OCR would like to know if any of the programs or Region 4 would like to join OCR in its meeting with NC DEQ and discuss any of the actions under the environmental programs.

- 2) During the meeting a request was made for OECA's assistance in planning the mid-November, civil rights on-site visit as OECA has experience with CAFOs and environmental inspections. Does OECA have thoughts and suggestions about how the civil rights onsite should be conducted and the inclusion of an environmental inspector? If so, what are they and how does OECA want to be involved in the civil rights onsite visit planned for November 14? Please note that OCR has been working with Ken, the DCRO in Region 4, to gain such environmental enforcement inspector assistance during the onsite and has offered to pay for the travel expenses of such a subject matter expert, but wants to ensure that OECA has an opportunity to participate in the onsite and/or have input into the planning process because this matter pertains to CAFOs.]

If you or your staff has any questions, please feel free contact either Daniel Isales or Mary O'Lone. Also, if you or your staff would like access to the REACH SharePoint site that contains documents related to the case, please contact Mary O'Lone (olone.mary@epa.gov) or Ericka Farrell (Farrell.ericka@epa.gov) who can grant access.

Mary O'Lone
Civil Rights and Finance Law Office
Office of General Counsel
US EPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460
(202) 564-4992

To: Dorka, Lilian[Dorka.Lilian@epa.gov]
Cc: Gordon, Scott[Gordon.Scott@epa.gov]
From: Lapierre, Kenneth
Sent: Wed 11/2/2016 10:45:40 AM
Subject: RE: Tech experts for REACH onsite visit

Thanks Lilian,

The feedback that I got yesterday from the planning meeting was that your team is looking for CAFO experts/inspectors that can address sampling and analysis concerns as well. In R4, that would be a team of people and **Ex. 5 - Deliberative Process**

Both Duane and Connie have technical experience/knowledge of CAFO operations which is what I thought that you asked for. After you speak with your team, let me know when you want to talk. I will probably ask Scott Gordon to participate in our discussion since he knows our capabilities in this area way better than I do.

Ken

Kenneth R. Lapierre
Assistant Regional Administrator
U.S. EPA Region 4
(404) 562-8570

Disability Awareness Month
October 1-31, 2016
Theme: Inclusion Works

I AM Diversity!

-----Original Message-----

From: Dorka, Lilian
Sent: Tuesday, November 1, 2016 11:29 PM
To: Lapierre, Kenneth <Lapierre.Kenneth@epa.gov>
Subject: Tech experts for REACH onsite visit

Hi Ken got your message late today. I am talking to the case team tomorrow morning and will get back to you re more specific information re what exactly we need for these experts to help us get during the onsite. Thanks!

Sent from my iPhone

To: Dorka, Lilian[Dorka.Lilian@epa.gov]
From: O'Lone, Mary
Sent: Thur 10/27/2016 7:46:46 PM
Subject: RE: URGENT - FW: REACH - draft email following up on Oct. 17th meeting

Julia forwarded it to Ethan.

I am on leave but signed in to look at coal ash

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: Dorka, Lilian
Sent: Thursday, October 27, 2016 6:43 AM
To: O'Lone, Mary <OLone.Mary@epa.gov>
Cc: Rhodes, Julia <Rhodes.Julia@epa.gov>; Isales, Daniel <Isales.Daniel@epa.gov>
Subject: Re: URGENT - FW: REACH - draft email following up on Oct. 17th meeting

I will look to send this out today. I assume Ethan will be cool with this and has a heads up?

Sent from my iPhone

On Oct 26, 2016, at 5:32 PM, O'Lone, Mary <OLone.Mary@epa.gov> wrote:

Lilian-

Just a tickler to remind you to review & send this out.

It has some deadlines you might want to adjust the longer it waits.

Elise & Julia reviewed it before it went down to you on Monday.

Thanks, Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: O'Lone, Mary

Sent: Monday, October 24, 2016 5:26 PM

To: Dorka, Lilian <Dorka.Lilian@epa.gov>

Cc: Isales, Daniel <Isales.Daniel@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>; Julia Rhodes (Rhodes.Julia@epa.gov) <Rhodes.Julia@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>

Subject: REACH - draft email following up on Oct. 17th meeting

Lilian –Here is a draft of the follow-up email from our Oct. 17th meeting. The list of remedies sent by complainants referenced in the email is attached. Thanks, Mary

I want to thank you all for participating in our discussion on October 17th about Title VI and OCR's case regarding North Carolina's swine CAFOs. I also want to memorialize the

Ex. 5 - Atty Client/Deliberative Process

OCR needs the assistance of the program offices and ORD on:

Ex. 5 - Atty Client/Deliberative Process

Ex. 5 - Atty Client/Deliberative Process

Ex. 5 - Atty Client/Deliberative Process

Ex. 5 - Atty Client/Deliberative Process

If you or your staff has any questions, please feel free contact either Daniel Isales or Mary O'Lone. Also, if you or your staff would like access to the REACH SharePoint site that contains documents related to the case, please contact Mary O'Lone (olone.mary@epa.gov) or Ericka Farrell (Farrell.ericka@epa.gov) who can grant access.

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

<Potential Remedies Submitted by Complainants.docx>

To: Dorka, Lilian[Dorka.Lilian@epa.gov]
Cc: Rhodes, Julia[Rhodes.Julia@epa.gov]; Isales, Daniel[Isales.Daniel@epa.gov]
From: O'Lone, Mary
Sent: Thur 10/27/2016 12:58:10 PM
Subject: RE: URGENT - FW: REACH - draft email following up on Oct. 17th meeting

Sure. We told Earthjustice that.

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: Dorka, Lilian
Sent: Wednesday, October 26, 2016 6:14 PM
To: O'Lone, Mary <OLone.Mary@epa.gov>
Cc: Rhodes, Julia <Rhodes.Julia@epa.gov>; Isales, Daniel <Isales.Daniel@epa.gov>
Subject: RE: URGENT - FW: REACH - draft email following up on Oct. 17th meeting
Importance: High

Ex. 5 - Deliberative Process

Lilian Sotolongo Dorka

Acting Director, EPA, Office of Civil Rights

202-564-9649

WJC-N Room 2450

From: O'Lone, Mary
Sent: Wednesday, October 26, 2016 5:32 PM
To: Dorka, Lilian <Dorka.Lilian@epa.gov>
Cc: Rhodes, Julia <Rhodes.Julia@epa.gov>; Isales, Daniel <Isales.Daniel@epa.gov>
Subject: URGENT - FW: REACH - draft email following up on Oct. 17th meeting

Lilian-

Just a tickler to remind you to review & send this out.

It has some deadlines you might want to adjust the longer it waits.

Elise & Julia reviewed it before it went down to you on Monday.

Thanks, Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: O'Lone, Mary
Sent: Monday, October 24, 2016 5:26 PM
To: Dorka, Lilian <Dorka.Lilian@epa.gov>
Cc: Isales, Daniel <Isales.Daniel@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>; Julia Rhodes <Rhodes.Julia@epa.gov> <Rhodes.Julia@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>

Subject: REACH - draft email following up on Oct. 17th meeting

Ex. 5 - Deliberative Process/Atty Client

Ex. 5 - Deliberative Process/Atty Client

Ex. 5 - Deliberative Process/Atty Client

Mary O'Lone

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1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

To: Dorka, Lilian[Dorka.Lilian@epa.gov]
Cc: Rhodes, Julia[Rhodes.Julia@epa.gov]; Isales, Daniel[Isales.Daniel@epa.gov]
From: O'Lone, Mary
Sent: Wed 10/26/2016 9:32:05 PM
Subject: URGENT - FW: REACH - draft email following up on Oct. 17th meeting
Potential Remedies Submitted by Complainants.docx

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Subject: REACH - draft email following up on Oct. 17th meeting

Ex. 5 - Deliberative Process/ Atty Client

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Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

To: Pieh, Luseni[Pieh.Luseni@epa.gov]; Dorka, Lilian[Dorka.Lilian@epa.gov]; Lincoln, Larry[Lincoln.Larry@epa.gov]
From: Grantham, Nancy
Sent: Wed 10/19/2016 2:19:14 PM
Subject: FW: Follow Up to October 5th Meeting (EPA File No. 11R-14-R4)

Hi Lilian,

Please keep Larry Lincoln, the PAD in Region 4, looped in as this site visit gets scheduled as he will need to help manage any media, etc.

Thanks ng

Nancy Grantham

Office of Public Affairs

US Environmental Protection Agency

202-564-6879 (desk)

202-253-7056 (mobile)

From: Dorka, Lilian

Sent: Tuesday, October 18, 2016 9:44 PM

To: Covington, Jeryl <Covington.Jeryl@epa.gov>; Tejada, Matthew <Tejada.Matthew@epa.gov>; Ali, Mustafa <Ali.Mustafa@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>; Shenkman, Ethan <Shenkman.Ethan@epa.gov>; Fritz, Matthew <Fritz.Matthew@epa.gov>; Lee, Charles <Lee.Charles@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>; Biffl, Betsy <Biffl.Betsy@epa.gov>; Rhodes, Julia <Rhodes.Julia@epa.gov>; Pieh, Luseni <Pieh.Luseni@epa.gov>; Lapierre, Kenneth <Lapierre.Kenneth@epa.gov>; Tommelleo, Nancy <Tommelleo.Nancy@epa.gov>; HALIM-CHESTNUT, NAIMA <Halim-Chestnut.Naima@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Isales, Daniel <Isales.Daniel@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; Lawrence, Tanya <Lawrence.Tanya@epa.gov>; Johnson, Johahna <Johnson.Johahna@epa.gov>

Subject: Re: Follow Up to October 5th Meeting (EPA File No. 11R-14-R4)

Hello Everyone,

I would like to acknowledge receipt this email, thank her and all who attended for traveling up for the meeting, etc, thank her for providing this additional information that we will add to the file, send her a list of EPA participants at the meeting (in person and on phone), and, w respect to the onsite, I would like to let her know we would like to set up a time, soon, to discuss it with her.

Any concerns/suggestions on any aspects of my proposed message? Thanks!

Sent from my iPhone

On Oct 18, 2016, at 8:18 PM, Marianne Lado <marianne.lado@gmail.com> wrote:

Dear Lilian,

This email is sent on behalf of the North Carolina Environmental Justice Network (NCEJN), the Rural Empowerment Association for Community Help (REACH), and Waterkeeper Alliance, Inc., to thank you, Matt Fritz, Mustafa Ali, Mary O'Lone and all others who helped pull together the meeting on October 5, 2016 at EPA regarding the status of their complaint (EPA File No. 11R-14-R4). We appreciated the time devoted to the meeting and the commitment that you and others expressed in carrying forward the investigation.

As **Ex. 6 - Personal Privacy** said at the beginning of the meeting, she and other community members in Eastern North Carolina feel like prisoners in their homes, denied the freedom to sit outside, exposed to the odor and effects of animal feces and urine. Many of the participants in the room – including **Ex. 6 - Personal Privacy** have been raising concerns about the racially disparate impacts of industrial swine operations in eastern North Carolina for decades. They are tremendous resources for information about impacts, research, and past efforts to address these issues, among other things. We were glad, therefore, that they were able to travel to DC for this meeting.

At the same time, as we discussed in the meeting, the conversation did not afford the same opportunities as a site visit. We look forward to finalizing arrangements for members of the staff at the Office of Civil Rights to come to Duplin County. We renew our offer to

organize a tour and interviews with members of the community and to help in any way that we can. Please let us know how you would like to proceed and whether there is a point person for making arrangements.

We also wanted to ask you for a list of the participants in our Oct. 5 meeting: we noted some of the names but probably not all.

Finally, it was notable that as we were meeting, Hurricane Matthew was moving up the East Coast toward North Carolina. When community members returned to eastern North Carolina, many soon found themselves surrounded by rising waters. Ex. 6 - Personal Privacy joined his fellow North Carolina Riverkeepers who have devoted their time to documenting the impacts of overflowing hog waste lagoons on waterways. *See* Waterkeeper Alliance, “Waterkeeper Alliance and North Carolina Riverkeepers Conduct Aerial Patrols, Document Hog Waste Contamination and Flooded Coal Ash Ponds” (Oct. 14, 2016), available at <http://waterkeeper.org/waterkeeper-alliance-and-north-carolina-riverkeepers-conduct-aerial-patrols-document-hog-waste-contamination-and-flooded-coal-ash-ponds/>; <https://www.flickr.com/photos/waterkeeperalliance/sets/72157673749082442>. As you know, the REACH complaint alleges that lagoons are prone to ruptures and spills, impairing surface water quality, at ¶ 75, and, further, that hurricanes in the region have “led to severe flooding of industrial swine facilities, the rupture of lagoons, and the overflow of waste into North Carolina’s creeks, rivers, and streams.” ¶ 76. The complaint further alleges that the waste spilled from overflowing lagoons is linked to outbreaks of harmful pathogens, as well as adverse environmental impacts. ¶ 77. Unfortunately, there is a high probability of hurricanes in eastern North Carolina, and the horrifying impacts we’ve seen are also predictable. The events of the last week reinforce the undeniable evidence that industrial hog operations as permitted by DEQ have adverse impacts. *See also* Hernández, Fritz & Mooney, “Factory Farming Practices are Under Scrutiny Again in N.C. After Disastrous Hurricane Floods,” *The Washington Post* (Oct. 16, 2016), available at <https://www.washingtonpost.com/news/capital-weather-gang/wp/2016/10/16/factory-farming-practices-are-under-scrutiny-again-in-n-c-after-disastrous-hurricane-floods/>. Please add this letter and the information about the impacts of Hurricane Matthew to the case file, and we request that OCR consider these effects in its evaluation of adverse impacts.

We hope that the investigation will soon move beyond establishing adverse disproportionate impacts and that OCR will take action to enforce Title VI. As we discussed on Oct. 5, community members need to be at the table when voluntary compliance measures or other solutions are discussed.

We look forward to hearing from you about next steps on the site visit.

Sincerely,

Marianne Engelman Lado

Senior Staff Attorney

Earthjustice

48 Wall Street, 19th Floor

New York, NY 10005

T: 212.845.7393

F: 212.918.1556

earthjustice.org

Elizabeth Haddix

Senior Staff Attorney

UNC Center for Civil Rights

323 West Barbee Ch. Rd.

Chapel Hill, NC 27517

T: 919.445.0176

F: 919.843.6748

www.law.unc.edu/centers/civilrights



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delete the message and any attachments.

To: Isales, Daniel[Isales.Daniel@epa.gov]
Cc: Tejada, Matthew[Tejada.Matthew@epa.gov]; Bell, Aaron L.[Bell.Aaron@epa.gov]; Dorka, Lilian[Dorka.Lilian@epa.gov]
From: Ruhl, Suzi
Sent: Fri 11/4/2016 3:29:36 PM
Subject: Re: OCR Case - NC DEQ and Swine Feeding Operations -- Following Up on Oct. 17th Meeting

Dan,
Delighted to have the opportunity to work directly with you again. Perhaps we can draw from the EJ Legal Tools repository effort.
Thanks again!
suzi

Sent from my iPhone

On Nov 4, 2016, at 11:21 AM, "Isales, Daniel" <Isales.Daniel@epa.gov> wrote:

Matthew, Suzi and Aaron,

Thank you all very much for stepping up to the plate right away. Will definitely include you in the meetings and I look forward to working with you. Will be back in touch shortly.
Dan

Daniel L. Isales (3RC60)

United States Environmental Protection Agency, Region III

Environmental Science Center

701 Mapes Road

Fort Meade, Maryland 20755-5350

(410) 305-3016

Isales.daniel@epa.gov

From: Tejada, Matthew
Sent: Friday, November 04, 2016 10:34 AM
To: Isales, Daniel <Isales.Daniel@epa.gov>
Cc: Bell, Aaron L. <Bell.Aaron@epa.gov>; Ruhl, Suzi <Ruhl.Suzi@epa.gov>; Dorka, Lilian <Dorka.Lilian@epa.gov>
Subject: FW: OCR Case - NC DEQ and Swine Feeding Operations -- Following Up on Oct. 17th Meeting

Hey Dan

Please include Suzi and Aaron, copied here, and me on meetings pertaining to number 6 below. We have some thoughts and prospects on some alternative technologies/uses of CAFO waste that should be part of the conversation.

Please also know that I and OEJ are at the ready to join OCR in meetings with NCDEQ at any point in this process.

Thanks,

Matthew

Matthew Tejada

Director - Office of Environmental Justice

Environmental Protection Agency

202-564-8047

From: Ruhl, Suzi
Sent: Friday, November 04, 2016 9:31 AM
To: Tejada, Matthew <Tejada.Matthew@epa.gov>
Cc: Bell, Aaron L. <Bell.Aaron@epa.gov>
Subject: Re: OCR Case - NC DEQ and Swine Feeding Operations -- Following Up on Oct.

17th Meeting

Absolutely. This is our b2h renewables biomass.

Sent from my iPhone

On Nov 4, 2016, at 9:19 AM, "Tejada, Matthew" <Tejada.Matthew@epa.gov> wrote:

Look at 6 below – I think at least one of you two should be a part of that discussion for purposes of waste to energy discussion? Thoughts?

Matthew Tejada

Director - Office of Environmental Justice

Environmental Protection Agency

202-564-8047

From: Dorka, Lilian

Sent: Thursday, November 03, 2016 7:41 PM

To: McTeerToney, Heather <McTeerToney.Heather@epa.gov>; Lapierre, Kenneth <Lapierre.Kenneth@epa.gov>; Shaw, Betsy <Shaw.Betsy@epa.gov>; Shapiro, Mike <Shapiro.Mike@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Robbins, Chris <Robbins.Chris@epa.gov>; Heard, Anne <Heard.Anne@epa.gov>

Cc: O'Lone, Mary <OLone.Mary@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Shenkman, Ethan <Shenkman.Ethan@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; Garbow, Avi <Garbow.Avi@epa.gov>; Fritz, Matthew <Fritz.Matthew@epa.gov>; Pieh, Luseni <Pieh.Luseni@epa.gov>; Reeder, John <Reeder.John@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>; Isales, Daniel <Isales.Daniel@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>; Johnson, Johahna <Johnson.Johahna@epa.gov>; HALIM-CHESTNUT, NAIMA <Halim-Chestnut.Naima@epa.gov>; Peurifoy, Cynthia <Peurifoy.Cynthia@epa.gov>; Tejada, Matthew <Tejada.Matthew@epa.gov>; Lee, Charles <Lee.Charles@epa.gov>; Ali, Mustafa <Ali.Mustafa@epa.gov>; Tommelleo, Nancy <Tommelleo.Nancy@epa.gov>; Akinnusotu, Bunmi <Akinnusotu.Bunmi@epa.gov>; Niebling, William <Niebling.William@epa.gov>; Prabhu, Aditi <Prabhu.Aditi@epa.gov>; Wilkes, Mary

<Wilkes.Mary@epa.gov>; Jenkins, Brandi <Jenkins.Brandi@epa.gov>; Jones-Johnson, Shea <Jones-Johnson.Shea@epa.gov>; Giattina, James <Giattina.Jim@epa.gov>; Gordon, Scott <Gordon.Scott@epa.gov>; Nagle, Deborah <Nagle.Deborah@epa.gov>; Frace, Sheila <Frace.Sheila@epa.gov>; Wilson, Shari <Wilson.Shari@epa.gov>; Tennessee, Denise <Tennessee.Denise@epa.gov>; Hicks, Javoyne <Hicks.Javoyne@epa.gov>; Radtke, Meghan <Radtke.Meghan@epa.gov>; Kreisler, Eva <Kreisler.Eva@epa.gov>; Carleton, Ron <Carleton.Ron@epa.gov>; Sisario, Kelly <Sisario.Kelly@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Conger, Nick <Conger.Nick@epa.gov>; Lincoln, Larry <Lincoln.Larry@epa.gov>

Subject: OCR Case - NC DEQ and Swine Feeding Operations -- Following Up on Oct. 17th Meeting

Importance: High

Hello Colleagues –

Thank you all so much for participating in our discussion on October 17th about OCR's Title VI case regarding North Carolina's swine CAFOs. I wanted to follow up with you

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Cc: O'Lone, Mary <OLone.Mary@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Shenkman, Ethan <Shenkman.Ethan@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; Garbow, Avi <Garbow.Avi@epa.gov>; Fritz, Matthew <Fritz.Matthew@epa.gov>; Pieh, Luseni <Pieh.Luseni@epa.gov>; Reeder, John <Reeder.John@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>; Isales, Daniel <Isales.Daniel@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>; Johnson, Johahna <Johnson.Johahna@epa.gov>; HALIM-CHESTNUT, NAIMA <Halim-Chestnut.Naima@epa.gov>; Peurifoy, Cynthia <Peurifoy.Cynthia@epa.gov>; Tejada, Matthew <Tejada.Matthew@epa.gov>; Lee, Charles <Lee.Charles@epa.gov>; Ali, Mustafa <Ali.Mustafa@epa.gov>; Tommelleo, Nancy <Tommelleo.Nancy@epa.gov>; Akinnusotu, Bunmi <Akinnusotu.Bunmi@epa.gov>; Niebling, William <Niebling.William@epa.gov>; Prabhu, Aditi <Prabhu.Aditi@epa.gov>; Wilkes, Mary <Wilkes.Mary@epa.gov>; Jenkins, Brandi <Jenkins.Brandi@epa.gov>; Jones-Johnson, Shea <Jones-Johnson.Shea@epa.gov>; Giattina, James <Giattina.Jim@epa.gov>; Gordon, Scott <Gordon.Scott@epa.gov>; Nagle, Deborah <Nagle.Deborah@epa.gov>; Frace, Sheila <Frace.Sheila@epa.gov>; Wilson, Shari <Wilson.Shari@epa.gov>; Tennessee, Denise <Tennessee.Denise@epa.gov>; Hicks, Javoyne <Hicks.Javoyne@epa.gov>; Radtke, Meghan <Radtke.Meghan@epa.gov>; Kreisler, Eva <Kreisler.Eva@epa.gov>; Carleton, Ron <Carleton.Ron@epa.gov>; Sisario, Kelly <Sisario.Kelly@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Conger, Nick <Conger.Nick@epa.gov>; Lincoln, Larry <Lincoln.Larry@epa.gov>

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Message

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Sent: 11/4/2016 2:34:08 PM
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CC: Bell, Aaron L. [Bell.Aaron@epa.gov]; Ruhl, Suzi [Ruhl.Suzi@epa.gov]; Dorka, Lilian [Dorka.Lilian@epa.gov]
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Sent: Thursday, November 03, 2016 7:41 PM
To: McTeerToney, Heather <McTeerToney.Heather@epa.gov>; Lapierre, Kenneth <Lapierre.Kenneth@epa.gov>; Shaw, Betsy <Shaw.Betsy@epa.gov>; Shapiro, Mike <Shapiro.Mike@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Robbins, Chris <Robbins.Chris@epa.gov>; Heard, Anne <Heard.Anne@epa.gov>

Cc: O'Lone, Mary <OLone.Mary@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Shenkman, Ethan <Shenkman.Ethan@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; Garbow, Avi <Garbow.Avi@epa.gov>; Fritz, Matthew <Fritz.Matthew@epa.gov>; Pieh, Luseni <Pieh.Luseni@epa.gov>; Reeder, John <Reeder.John@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>; Isales, Daniel <Isales.Daniel@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>; Johnson, Johahna <Johnson.Johahna@epa.gov>; HALIM-CHESTNUT, NAIMA <Halim-Chestnut.Naima@epa.gov>; Peurifoy, Cynthia <Peurifoy.Cynthia@epa.gov>; Tejada, Matthew <Tejada.Matthew@epa.gov>; Lee, Charles <Lee.Charles@epa.gov>; Ali, Mustafa <Ali.Mustafa@epa.gov>; Tommelleo, Nancy <Tommelleo.Nancy@epa.gov>; Akinnusotu, Bunmi <Akinnusotu.Bunmi@epa.gov>; Niebling, William <Niebling.William@epa.gov>; Prabhu, Aditi <Prabhu.Aditi@epa.gov>; Wilkes, Mary <Wilkes.Mary@epa.gov>; Jenkins, Brandi <Jenkins.Brandi@epa.gov>; Jones-Johnson, Shea <Jones-Johnson.Shea@epa.gov>; Giattina, James <Giattina.Jim@epa.gov>; Gordon, Scott <Gordon.Scott@epa.gov>; Nagle, Deborah <Nagle.Deborah@epa.gov>; Frace, Sheila <Frace.Sheila@epa.gov>; Wilson, Shari <Wilson.Shari@epa.gov>; Tennessee, Denise <Tennessee.Denise@epa.gov>; Hicks, Javoyne <Hicks.Javoyne@epa.gov>; Radtke, Meghan <Radtke.Meghan@epa.gov>; Kreisler, Eva <Kreisler.Eva@epa.gov>; Carleton, Ron <Carleton.Ron@epa.gov>; Sisario, Kelly <Sisario.Kelly@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Conger, Nick <Conger.Nick@epa.gov>; Lincoln, Larry <Lincoln.Larry@epa.gov>

Subject: OCR Case - NC DEQ and Swine Feeding Operations -- Following Up on Oct. 17th Meeting
Importance: High

Hello Colleagues –

Thank you all so much for participating in our discussion on October 17th about OCR's Title VI case regarding North Carolina's swine CAFOs. I wanted to follow up with you to memorialize the requests for assistance that we made during the meeting and to let you know when OCR will need that information as it moves forward with the investigation and informal resolution. First,

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

If you or your staff has any questions, please feel free contact either Daniel Isales or Mary O'Lone. Also, if you or your staff would like access to the REACH SharePoint site that contains documents related to the case, please contact Mary O'Lone (olone.mary@epa.gov) or Ericka Farrell (Farrell.ericka@epa.gov) who can grant access.

<Potential Remedies Submitted by Complainants.docx>

Cc: Haddix, Elizabeth McLaughlin[emclaugh@email.unc.edu]; Alexis Andiman[aandiman@earthjustice.org]; O'Lone, Mary[OLone.Mary@epa.gov]; Farrell, Ericka[Farrell.Ericka@epa.gov]; Covington, Jeryl[Covington.Jeryl@epa.gov]; Johnson, Johahna[Johnson.Johahna@epa.gov]; Temple, Kurt[Temple.Kurt@epa.gov]; Isales, Daniel[Isales.Daniel@epa.gov]; HALIM-CHESTNUT, NAIMA[Halim-Chestnut.Naima@epa.gov]
To: Dorka, Lilian[Dorka.Lilian@epa.gov]
From: Marianne Lado
Sent: Sat 10/22/2016 1:24:35 AM
Subject: Re: Follow Up to October 5th Meeting (EPA File No. 11R-14-R4)

Let's confirm. Do we need a conference line or should I just join Elizabeth and give you a call at your desk?

Best,

Marianne

Sent from my iPhone
Apologies for brevity and errors

On Oct 21, 2016, at 3:10 PM, Dorka, Lilian <Dorka.Lilian@epa.gov> wrote:

Hi Marianne – I can do Wednesday from 9:00-10:00. Does that still work for you?
Thanks!

Lilian Sotolongo Dorka

Acting Director, EPA, Office of Civil Rights

202-564-9649

WJC-N Room 2450

From: Marianne Engelman Lado [<mailto:marianne.lado@gmail.com>]
Sent: Thursday, October 20, 2016 9:47 PM
To: Dorka, Lilian <Dorka.Lilian@epa.gov>
Cc: Haddix, Elizabeth McLaughlin <emclaugh@email.unc.edu>; Alexis Andiman <aandiman@earthjustice.org>
Subject: Re: Follow Up to October 5th Meeting (EPA File No. 11R-14-R4)

Lilian,

Thanks again for the follow up.

Best times early next week would be Tuesday between 1 and 3 and on Wednesday 9-10, 1-2 or 4-5. I hope one of those time slots works for you.

Sincerely,

Marianne

...

On Oct 19, 2016, at 8:08 PM, Dorka, Lilian <Dorka.Lilian@epa.gov> wrote:

Hello Marianne,

Thanks very much for your note and thank you to all who traveled here on October 5th to share their concerns and experiences. We have received the additional information you have provided and will add it to the case file for EPA File No. 11R-14-R4.

Per your request, I will send you under separate cover tomorrow, a complete list of all EPA folks who attended the October 5th meeting – either in person or by phone. I need to compare notes and make sure that I am not leaving anyone out. With respect to an onsite visit and meeting with members of the complainant groups, we would like to set up a time, soon, to discuss this with you. Please let me know some dates/times that may work for you early next week and we can follow up.

Regards,

Lilian

Lilian Sotolongo Dorka

Acting Director, EPA, Office of Civil Rights

202-564-9649

WJC-N Room 2450

From: Marianne Lado [<mailto:marianne.lado@gmail.com>]

Sent: Tuesday, October 18, 2016 8:18 PM

To: Dorka, Lilian <Dorka.Lilian@epa.gov>

Cc: Elizabeth McLaughlin Haddix <emclaugh@email.unc.edu>; Brent Ducharme <ducharme@email.unc.edu>; Alexis Andiman <aandiman@earthjustice.org>; Fritz, Matthew <Fritz.Matthew@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>; Ali, Mustafa <Ali.Mustafa@epa.gov>; Tejada, Matthew <Tejada.Matthew@epa.gov>; Lee, Charles <Lee.Charles@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>;

Ex. 6 - Personal Privacy

Ex. 6 - Personal Privacy

Ex. 6 - Personal Privacy Daniel Estrin <destrin@waterkeeper.org>; (252) 670-1413 <larryb@crystalcoastwaterkeeper.org>; Shenkman, Ethan <Shenkman.Ethan@epa.gov>; Biffl, Betsy <Biffl.Betsy@epa.gov>; Stein, Jonathan <Stein.Jonathan@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>; Rhodes, Julia <Rhodes.Julia@epa.gov>; Martinez, Brittany <Martinez.Brittany@epa.gov>

Subject: Follow Up to October 5th Meeting (EPA File No. 11R-14-R4)

Dear Lilian,

This email is sent on behalf of the North Carolina Environmental Justice Network

(NCEJN), the Rural Empowerment Association for Community Help (REACH), and Waterkeeper Alliance, Inc., to thank you, Matt Fritz, Mustafa Ali, Mary O’Lone and all others who helped pull together the meeting on October 5, 2016 at EPA regarding the status of their complaint (EPA File No. 11R-14-R4). We appreciated the time devoted to the meeting and the commitment that you and others expressed in carrying forward the investigation.

As Ex. 6 - Personal Privacy said at the beginning of the meeting, she and other community members in Eastern North Carolina feel like prisoners in their homes, denied the freedom to sit outside, exposed to the odor and effects of animal feces and urine. Many of the participants in the room – including **Ex. 6 - Personal Privacy** and Ex. 6 - Personal Privacy have been raising concerns about the racially disparate impacts of industrial swine operations in eastern North Carolina for decades. They are tremendous resources for information about impacts, research, and past efforts to address these issues, among other things. We were glad, therefore, that they were able to travel to DC for this meeting.

At the same time, as we discussed in the meeting, the conversation did not afford the same opportunities as a site visit. We look forward to finalizing arrangements for members of the staff at the Office of Civil Rights to come to Duplin County. We renew our offer to organize a tour and interviews with members of the community and to help in any way that we can. Please let us know how you would like to proceed and whether there is a point person for making arrangements.

We also wanted to ask you for a list of the participants in our Oct. 5 meeting: we noted some of the names but probably not all.

Finally, it was notable that as we were meeting, Hurricane Matthew was moving up the East Coast toward North Carolina. When community members returned to eastern North Carolina, many soon found themselves surrounded by rising waters. Larry Baldwin joined his fellow North Carolina Riverkeepers who have devoted their time to documenting the impacts of overflowing hog waste lagoons on waterways. *See* Waterkeeper Alliance, “Waterkeeper Alliance and North Carolina Riverkeepers Conduct Aerial Patrols, Document Hog Waste Contamination and Flooded Coal Ash Ponds” (Oct. 14, 2016), available at <http://waterkeeper.org/waterkeeper-alliance-and-north-carolina-riverkeepers-conduct-aerial-patrols-document-hog-waste-contamination-and-flooded-coal-ash-ponds/>; <https://www.flickr.com/photos/waterkeeperalliance/sets/72157673749082442>. As you know, the REACH complaint alleges that lagoons are prone to ruptures and spills, impairing surface water quality, at ¶ 75, and, further, that hurricanes in the region have “led

to severe flooding of industrial swine facilities, the rupture of lagoons, and the overflow of waste into North Carolina's creeks, rivers, and streams." ¶ 76. The complaint further alleges that the waste spilled from overflowing lagoons is linked to outbreaks of harmful pathogens, as well as adverse environmental impacts. ¶ 77. Unfortunately, there is a high probability of hurricanes in eastern North Carolina, and the horrifying impacts we've seen are also predictable. The events of the last week reinforce the undeniable evidence that industrial hog operations as permitted by DEQ have adverse impacts. See also Hernández, Fritz & Mooney, "Factory Farming Practices are Under Scrutiny Again in N.C. After Disastrous Hurricane Floods," *The Washington Post* (Oct. 16, 2016), available at <https://www.washingtonpost.com/news/capital-weather-gang/wp/2016/10/16/factory-farming-practices-are-under-scrutiny-again-in-n-c-after-disastrous-hurricane-floods/>.

Please add this letter and the information about the impacts of Hurricane Matthew to the case file, and we request that OCR consider these effects in its evaluation of adverse impacts.

We hope that the investigation will soon move beyond establishing adverse disproportionate impacts and that OCR will take action to enforce Title VI. As we discussed on Oct. 5, community members need to be at the table when voluntary compliance measures or other solutions are discussed.

We look forward to hearing from you about next steps on the site visit.

Sincerely,

Marianne Engelman Lado

Senior Staff Attorney

Earthjustice

48 Wall Street, 19th Floor

New York, NY 10005

T: 212.845.7393

F: 212.918.1556

earthjustice.org

Elizabeth Haddix

Senior Staff Attorney

UNC Center for Civil Rights

323 West Barbee Ch. Rd.

Chapel Hill, NC 27517

T: 919.445.0176

F: 919.843.6748

www.law.unc.edu/centers/civilrights

<image001.gif>

The information contained in this email message may be privileged, confidential and protected from disclosure.

If you are not the intended recipient, any dissemination, distribution or copying is strictly prohibited.

If you think that you have received this email message in error, please notify the sender by reply email and delete the message and any attachments.

To: Dorka, Lilian[Dorka.Lilian@epa.gov]; Covington, Jeryl[Covington.Jeryl@epa.gov]; Temple, Kurt[Temple.Kurt@epa.gov]; O'Lone, Mary[OLone.Mary@epa.gov]; Farrell, Ericka[Farrell.Ericka@epa.gov]; Wilson, Adam[wilson.adam@epa.gov]; Johnson, Johahna[Johnson.Johahna@epa.gov]
From: Isales, Daniel
Sent: Thur 11/3/2016 8:13:14 PM
Subject: RE: EPA OCR File No. 11R-14-R4
DRAFT response to NC DEQ extension request 11_3_16 third version.docx

Revised response attached. Dan

Daniel L. Isales (3RC60)

United States Environmental Protection Agency, Region III

Environmental Science Center

701 Mapes Road

Fort Meade, Maryland 20755-5350

(410) 305-3016

Isales.daniel@epa.gov

From: Dorka, Lilian

Sent: Monday, October 31, 2016 9:41 PM

To: Lapierre, Kenneth <Lapierre.Kenneth@epa.gov>; HALIM-CHESTNUT, NAIMA <Halim-Chestnut.Naima@epa.gov>; Tommelleo, Nancy <Tommelleo.Nancy@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>; Rhodes, Julia <Rhodes.Julia@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>; Isales, Daniel <Isales.Daniel@epa.gov>; Johnson, Johahna <Johnson.Johahna@epa.gov>

Subject: Fwd: EPA OCR File No. 11R-14-R4

Ex. 5 - Deliberative Process

Sent from my iPhone

Begin forwarded message:

From: "Hayes, Sam M" <sam.hayes@ncdenr.gov>
Date: October 31, 2016 at 4:09:38 PM EDT
To: "dorka.lilian@epa.gov" <dorka.lilian@epa.gov>
Cc: "Lapierre, Kenneth" <Lapierre.Kenneth@epa.gov>, "Evans, John" <john.c.evans@ncdenr.gov>, "Bromby, Craig A" <craig.bromby@ncdenr.gov>
Subject: EPA OCR File No. 11R-14-R4

Dear Ms. Dorka:

I have attached a letter requesting an extension of time to file a substantive response to the administrative complaint filed against the North Carolina Department of Environmental Quality, No. 11R-14-R4. A hard copy of the letter has been sent to you via certified mail.

Please let me know if you have any questions.

Sincerely,

Sam M. Hayes

General Counsel

N.C. Department of Environmental Quality

Telephone: 919-707-8616

Mailing Address:

1601 Mail Service Center

Raleigh, NC 27699-1601

Physical Address:

217 W. Jones Street

Raleigh, NC 27603

To: Dorka, Lilian[Dorka.Lilian@epa.gov]
From: O'Lone, Mary
Sent: Wed 11/23/2016 4:46:39 PM
Subject: RE: Summary of Onsite Component of OCR's Civil Rights Investigation for NC-DEQ Swine Operation (REACH) Case

No I didn't send it to them

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: Dorka, Lilian
Sent: Wednesday, November 23, 2016 9:54 AM
To: O'Lone, Mary <OLone.Mary@epa.gov>
Subject: Re: Summary of Onsite Component of OCR's Civil Rights Investigation for NC-DEQ Swine Operation (REACH) Case

I think I will just say that we have a summary that I can share of any would like it.

Btw, did our region 4 team get a copy of the summary?

Sent from my iPhone

On Nov 23, 2016, at 9:36 AM, Dorka, Lilian <Dorka.Lilian@epa.gov> wrote:

Hi Mary - would it be better to just attach the summary we did? Any reason not to do that?

From: O'Lone, Mary
Sent: Tuesday, November 22, 2016 6:12 PM
To: Dorka, Lilian
Subject: Fw: Summary of Onsite Component of OCR's Civil Rights Investigation for NC-DEQ Swine Operation (REACH) Case

Lilian-

Here is a draft email for you to send. It may be TMI, but I will let you edit it down.

All-

Ex. 5 - Deliberative / ACP

Ex. 5 - Deliberative / ACP

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-4992

From: Dorka, Lilian

Sent: Monday, November 7, 2016 6:50 PM

To: Grantham, Nancy; Fritz, Matthew; Shenkman, Ethan; Garbow, Avi; Pieh, Luseni; McTeerToney, Heather; Lapierre, Kenneth; Conger, Nick; Tejada, Matthew; Ali, Mustafa; Lee, Charles; Packard, Elise; Rhodes, Julia; Reeder, John

Cc: O'Lone, Mary; Isales, Daniel; Temple, Kurt; Covington, Jeryl; Farrell, Ericka; Wilson,

Adam; Johnson, Johanna; Peurifoy, Cynthia; HALIM-CHESTNUT, NAIMA; Roberts, Connie
Subject: RE: Summary of Onsite Component of OCR's Civil Rights Investigation for NC-
DEQ Swine Operation (REACH) Case

Hello Everyone, as the onsite component of this OCR investigation draws closer, wanted to share with you the summary onsite plan (for internal use only), for your information. Please let me know if you have any questions. Thanks! Lilian

Lilian Sotolongo Dorka

Acting Director, EPA, Office of Civil Rights

202-564-9649

WJC-N Room 2450

To: Dorka, Lilian[Dorka.Lilian@epa.gov]
Cc: Isales, Daniel[Isales.Daniel@epa.gov]; Farrell, Ericka[Farrell.Ericka@epa.gov]; Covington, Jeryl[Covington.Jeryl@epa.gov]; Wilson, Adam[wilson.adam@epa.gov]; Johnson, Johahna[Johnson.Johahna@epa.gov]; O'Lone, Mary[OLone.Mary@epa.gov]; HALIM-CHESTNUT, NAIMA[Halim-Chestnut.Naima@epa.gov]; Tommelleo, Nancy[Tommelleo.Nancy@epa.gov]; Mills, Keith[Mills.Keith@epa.gov]; Rao, Ravishankar[Rao.Ravi@epa.gov]
From: Lapierre, Kenneth
Sent: Wed 11/23/2016 2:58:16 PM
Subject: RE: REACH Request for Assistance from Region 4 re GIS Data

Lilian,

Ravi is available and can provide the support requested. Ravi's supervisor is Keith Mills. Please include him on your correspondence with Ravi so that he can have visibility on Ravi's work.

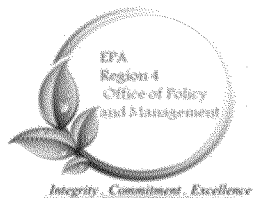
Thanks--Ken

Kenneth R. Lapierre

Assistant Regional Administrator

U.S. EPA Region 4

(404) 562-8570



American Indian/Native American Awareness Month

November 1-30, 2016

Theme: “Serving Our Nations”

I AM Diversity!

From: Dorka, Lilian
Sent: Wednesday, November 23, 2016 9:11 AM
To: Lapierre, Kenneth <Lapierre.Kenneth@epa.gov>
Cc: Isales, Daniel <Isales.Daniel@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>; Johnson, Johahna <Johnson.Johahna@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>; HALIM-CHESTNUT, NAIMA <Halim-Chestnut.Naima@epa.gov>; Tommelleo, Nancy <Tommelleo.Nancy@epa.gov>
Subject: REACH Request for Assistance from Region 4 re GIS Data
Importance: High

Hi Ken,

I am following up on my earlier request for R4 assistance with GIS and demographic analyses. As I mentioned, Ravi Rao has been very helpful as the investigatory team determines what GIS analyses are possible & what GIS products/analyses we will need related to RNO data of the residents living closest to these facilities. We now have a better idea of the GIS & demographic assistance needed for this case and realize a more formal request for GIS assistance is necessary as we are mindful of R4's resource allocations.

We will need some GIS maps and demographic analyses prepared in the next week or

so looking at a several variations of the demographic breakdowns of populations surrounding NC swine farms. Could you please let me know ASAP if Ravi or others can help us get these analyses? As always, thank you so much for all your support. Lilian

From: Dorka, Lilian

Sent: Thursday, October 27, 2016 6:37 PM

To: Lapierre, Kenneth

Cc: Farrell, Ericka; O'Lone, Mary; Covington, Jeryl; Isales, Daniel; Rhodes, Julia; HALIM-CHESTNUT, NAIMA; Peurifoy, Cynthia; Johnson, Johahna; Wilson, Adam

Subject: REACH Case Onsite Visit Planning and Requests for Assistance from Region 4 re GIS Data

Hi Ken-

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Lilian Sotolongo Dorka

Acting Director, EPA, Office of Civil Rights

202-564-9649

WJC-N Room 2450

To: Isales, Daniel[Isales.Daniel@epa.gov]; Dorka, Lilian[Dorka.Lilian@epa.gov]; Temple, Kurt[Temple.Kurt@epa.gov]; Johnson, Johahna[Johnson.Johahna@epa.gov]; Wilson, Adam[wilson.adam@epa.gov]; Farrell, Ericka[Farrell.Ericka@epa.gov]; Covington, Jeryl[Covington.Jeryl@epa.gov]
From: O'Lone, Mary
Sent: Wed 11/2/2016 10:19:32 PM
Subject: RE: REACH: extension and Region 4 assistance

You may want to refer to the what OCR said it was investigating rather than the allegations in the complaint. But Dan's explanation of basically -- it is all of them not specific ones -- would still work.

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: Isales, Daniel
Sent: Wednesday, November 02, 2016 6:03 PM
To: Dorka, Lilian <Dorka.Lilian@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>; Johnson, Johahna <Johnson.Johahna@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>
Subject: RE: REACH: extension and Region 4 assistance

First draft of response attached. Thanks, Dan

Daniel L. Isales (3RC60)

United States Environmental Protection Agency, Region III

Environmental Science Center

701 Mapes Road

Fort Meade, Maryland 20755-5350

(410) 305-3016

Isales.daniel@epa.gov

From: Dorka, Lilian

Sent: Wednesday, November 02, 2016 4:46 PM

To: Isales, Daniel <Isales.Daniel@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>; Johnson, Johahna <Johnson.Johahna@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>

Subject: RE: REACH: extension and Region 4 assistance

Thanks Team, appreciate all your thought on this! I have a couple of questions.

Re the Extension, who on the team is taking the pen on drafting the email/letter back granting the 30 day extension (and I think we need to provide a due date certain) and also talking about an RFI. Sounds like we need to issue that by COB tomorrow?

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Thanks!!

Lilian Sotolongo Dorka

Acting Director, EPA, Office of Civil Rights

202-564-9649

WJC-N Room 2450

From: Isales, Daniel

Sent: Wednesday, November 02, 2016 3:26 PM

To: Dorka, Lilian <Dorka.Lilian@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>

Cc: O'Lone, Mary <OLone.Mary@epa.gov>; Johnson, Johahna <Johnson.Johahna@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>

Subject: REACH: extension and Region 4 assistance

Lilian:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

If you have any questions about any of the above, please let us know. Thank you.

Daniel L. Isales (3RC60)

United States Environmental Protection Agency, Region III

Environmental Science Center

701 Mapes Road

Fort Meade, Maryland 20755-5350

(410) 305-3016

Isales.daniel@epa.gov

To: Dorka, Lilian[Dorka.Lilian@epa.gov]; Covington, Jeryl[Covington.Jeryl@epa.gov]; Lapierre, Kenneth[Lapierre.Kenneth@epa.gov]; HALIM-CHESTNUT, NAIMA[Halim-Chestnut.Naima@epa.gov]; Tommelleo, Nancy[Tommelleo.Nancy@epa.gov]; Temple, Kurt[Temple.Kurt@epa.gov]; O'Lone, Mary[OLone.Mary@epa.gov]; Rhodes, Julia[Rhodes.Julia@epa.gov]; Packard, Elise[Packard.Elise@epa.gov]; Farrell, Ericka[Farrell.Ericka@epa.gov]; Wilson, Adam[wilson.adam@epa.gov]; Johnson, Johahna[Johnson.Johahna@epa.gov]
From: Isales, Daniel
Sent: Wed 11/2/2016 12:17:52 PM
Subject: RE: EPA OCR File No. 11R-14-R4

Lilian,

A number of us have discussed this issue and agree that given the impact of Hurricane Matthew upon state resources, an extension is appropriate. What we are continuing to discuss is whether at the same time we agree to an extension that we issue some all or part of the information request so that that aspect of the investigation also moves forward. We will finalize our discussions on that issue today. Thanks, Dan

Daniel L. Isales (3RC60)

United States Environmental Protection Agency, Region III

Environmental Science Center

701 Mapes Road

Fort Meade, Maryland 20755-5350

(410) 305-3016

Isales.daniel@epa.gov

From: Dorka, Lilian

Sent: Tuesday, November 01, 2016 8:58 PM

To: Covington, Jeryl <Covington.Jeryl@epa.gov>; Lapierre, Kenneth <Lapierre.Kenneth@epa.gov>; HALIM-CHESTNUT, NAIMA <Halim-Chestnut.Naima@epa.gov>; Tommelleo, Nancy <Tommelleo.Nancy@epa.gov>; Temple, Kurt

<Temple.Kurt@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>; Rhodes, Julia <Rhodes.Julia@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>; Isales, Daniel <Isales.Daniel@epa.gov>; Johnson, Johahna <Johnson.Johahna@epa.gov>

Subject: RE: EPA OCR File No. 11R-14-R4

Importance: High

OK I see that now. So is the team going to provide a recommendation? Can we not grant this? Options?

Lilian Sotolongo Dorka

Acting Director, EPA, Office of Civil Rights

202-564-9649

WJC-N Room 2450

From: Covington, Jeryl

Sent: Tuesday, November 01, 2016 7:47 AM

To: Dorka, Lilian <Dorka.Lilian@epa.gov>; Lapierre, Kenneth <Lapierre.Kenneth@epa.gov>; HALIM-CHESTNUT, NAIMA <Halim-Chestnut.Naima@epa.gov>; Tommelleo, Nancy <Tommelleo.Nancy@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>; Rhodes, Julia <Rhodes.Julia@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>; Isales, Daniel <Isales.Daniel@epa.gov>; Johnson, Johahna <Johnson.Johahna@epa.gov>

Subject: RE: EPA OCR File No. 11R-14-R4

NC DEQ is requesting a 30-day extension to respond.

From: Dorka, Lilian

Sent: Monday, October 31, 2016 9:41 PM

To: Lapierre, Kenneth <Lapierre.Kenneth@epa.gov>; HALIM-CHESTNUT, NAIMA <Halim-Chestnut.Naima@epa.gov>; Tommelleo, Nancy <Tommelleo.Nancy@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; O'Lone, Mary

<OLone.Mary@epa.gov>; Rhodes, Julia <Rhodes.Julia@epa.gov>; Packard, Elise
<Packard.Elise@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>; Wilson, Adam
<wilson.adam@epa.gov>; Isales, Daniel <Isales.Daniel@epa.gov>; Johnson, Johahna
<Johnson.Johahna@epa.gov>

Subject: Fwd: EPA OCR File No. 11R-14-R4

Team, please see below and attached. We will need to respond. I need to look close tomorrow but I do t see in here what kind of extension is being requested.

Ex. 5 - Deliberative

Ex. 5 - Deliberative

Ex. 5 - Deliberative

Sent from my iPhone

Begin forwarded message:

From: "Hayes, Sam M" <sam.hayes@ncdenr.gov>
Date: October 31, 2016 at 4:09:38 PM EDT
To: "dorka.lilian@epa.gov" <dorka.lilian@epa.gov>
Cc: "Lapierre, Kenneth" <Lapierre.Kenneth@epa.gov>, "Evans, John"
<john.c.evans@ncdenr.gov>, "Bromby, Craig A" <craig.bromby@ncdenr.gov>
Subject: EPA OCR File No. 11R-14-R4

Dear Ms. Dorka:

I have attached a letter requesting an extension of time to file a substantive response to the administrative complaint filed against the North Carolina Department of Environmental Quality, No. 11R-14-R4. A hard copy of the letter has been sent to you via certified mail.

Please let me know if you have any questions.

Sincerely,

Sam M. Hayes

General Counsel

N.C. Department of Environmental Quality

Telephone: 919-707-8616

Mailing Address:

1601 Mail Service Center

Raleigh, NC 27699-1601

Physical Address:

217 W. Jones Street

Raleigh, NC 27603

To: Conger, Nick[Conger.Nick@epa.gov]; Dorka, Lilian[Dorka.Lilian@epa.gov]
Cc: Grantham, Nancy[Grantham.Nancy@epa.gov]; Packard, Elise[Packard.Elise@epa.gov]; Pieh, Luseni[Pieh.Luseni@epa.gov]; Shenkman, Ethan[Shenkman.Ethan@epa.gov]; Rhodes, Julia[Rhodes.Julia@epa.gov]
From: O'Lone, Mary
Sent: Fri 10/7/2016 7:59:01 PM
Subject: RE: The Daily Tar Heel-Interview Request

Nick-

Lilian may be tied up in a meeting & hasn't gotten to the email I sent her earlier this afternoon. Rather than you drafting something, here is what we sent her for review. I would prefer she OK it, but I don't know what your timeline is. It captures the message that she suggested:

On Wednesday October 5, 2016, representatives of REACH met with EPA officials and presented a petition regarding the Title VI complaint filed by REACH and Waterkeepers that is under investigation by EPA's Office of Civil Rights. At that meeting, the Office of Civil Rights reinforced EPA's commitment to investigating and resolving this and other pending cases in a prompt, effective and efficient manner.

Thanks, Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: Conger, Nick
Sent: Friday, October 07, 2016 3:50 PM
To: Dorka, Lilian <Dorka.Lilian@epa.gov>
Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Pieh, Luseni <Pieh.Luseni@epa.gov>; Shenkman, Ethan

<Shenkman.Ethan@epa.gov>; Rhodes, Julia <Rhodes.Julia@epa.gov>; O'Lone, Mary
<OLone.Mary@epa.gov>
Subject: RE: The Daily Tar Heel-Interview Request

Hi. Just checking on status of a brief blurb here. Just need a line or two, and I'll draft it if you are too busy.

Nick Conger

U.S. Environmental Protection Agency

Office: (202) 564-6287

Ex. 6 - Personal Privacy

From: Dorka, Lilian
Sent: Friday, October 07, 2016 11:54 AM
To: Conger, Nick <Conger.Nick@epa.gov>
Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>; Packard, Elise
<Packard.Elise@epa.gov>; Pieh, Luseni <Pieh.Luseni@epa.gov>; Shenkman, Ethan
<Shenkman.Ethan@epa.gov>; Rhodes, Julia <Rhodes.Julia@epa.gov>; O'Lone, Mary
<OLone.Mary@epa.gov>
Subject: RE: The Daily Tar Heel-Interview Request

Ex. 5 - Deliberative Process

Lilian Sotolongo Dorka

Acting Director, EPA, Office of Civil Rights

202-564-9649

WJC-N Room 2450

From: Conger, Nick
Sent: Friday, October 07, 2016 11:50 AM
To: Dorka, Lilian <Dorka.Lilian@epa.gov>

Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Pieh, Luseni <Pieh.Luseni@epa.gov>; Shenkman, Ethan <Shenkman.Ethan@epa.gov>; Rhodes, Julia <Rhodes.Julia@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>

Subject: RE: The Daily Tar Heel-Interview Request

Ok I think that will work, thank you. Yes, if you provide a brief statement for the top of this, that would be really helpful. I assume that declining an interview citing this case as pending is appropriate, but let me know if you have any other direction.

Nick Conger

U.S. Environmental Protection Agency

Office: (202) 564-6287

Ex. 6 - Personal Privacy

From: Dorka, Lilian

Sent: Friday, October 07, 2016 11:32 AM

To: Conger, Nick <Conger.Nick@epa.gov>

Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Pieh, Luseni <Pieh.Luseni@epa.gov>; Shenkman, Ethan <Shenkman.Ethan@epa.gov>; Rhodes, Julia <Rhodes.Julia@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>

Subject: RE: The Daily Tar Heel-Interview Request

Importance: High

Ex. 5 - Deliberative Process

I will work with GC on that Blurb to add to the summary. (Summary below.) Lilian

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Lilian Sotolongo Dorka

Acting Director, EPA, Office of Civil Rights

202-564-9649

WJC-N Room 2450

From: Conger, Nick

Sent: Friday, October 07, 2016 10:03 AM

To: Dorka, Lilian <Dorka.Lilian@epa.gov>; Rhodes, Julia <Rhodes.Julia@epa.gov>

Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>

Subject: FW: The Daily Tar Heel-Interview Request

Hello Lilian and Julia,

Can you send me a proposed statement about the petition referenced below? We won't do an interview with Avi, but we'd like to provide something.

Thanks-

Nick

Nick Conger

U.S. Environmental Protection Agency

Office: (202) 564-6287

Ex. 6 - Personal Privacy

From: Harrison, Melissa

Sent: Friday, October 07, 2016 9:45 AM

To: Garbow, Avi <Garbow.Avi@epa.gov>; Benenati, Frank <benenati.frank@epa.gov>

Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>; Conger, Nick <Conger.Nick@epa.gov>

Subject: RE: The Daily Tar Heel-Interview Request

Looping in Nancy/Nick who can reach out. I believe we have a backgrounder and/or statement.
Thanks! Melissa

Melissa J. Harrison

Deputy Associate Administrator

Office of Public Affairs

U.S. Environmental Protection Agency

Office: (202) 564-8421

Ex. 6 - Personal Privacy

Harrison.Melissa@epa.gov

From: Garbow, Avi
Sent: Friday, October 07, 2016 9:41 AM
To: Benenati, Frank <benenati.frank@epa.gov>; Harrison, Melissa <Harrison.Melissa@epa.gov>
Subject: Fwd: The Daily Tar Heel-Interview Request

FYI

Avi Garbow

General Counsel, US EPA

Sent from my iPhone

Begin forwarded message:

From: JoLynn Smith <jolynnsmith27@gmail.com>
Date: October 7, 2016 at 7:31:46 AM MDT
To: Garbow.avi@epa.gov
Subject: The Daily Tar Heel-Interview Request

Mr. Garbow,

I am a staff writer for The Day Tar Heel. Currently I am working on an article about North Carolina's petition against the hog farming industry that was filed earlier this week in Washington D.C.

Would you be available for a phone interview at some point today to discuss the topic?

Thanks,

JoLynn

To: Dorka, Lilian[Dorka.Lilian@epa.gov]
Cc: Grantham, Nancy[Grantham.Nancy@epa.gov]; Packard, Elise[Packard.Elise@epa.gov]; Pieh, Luseni[Pieh.Luseni@epa.gov]; Shenkman, Ethan[Shenkman.Ethan@epa.gov]; Rhodes, Julia[Rhodes.Julia@epa.gov]; O'Lone, Mary[OLone.Mary@epa.gov]
From: Conger, Nick
Sent: Fri 10/7/2016 7:49:47 PM
Subject: RE: The Daily Tar Heel-Interview Request

Hi. Just checking on status of a brief blurb here. Just need a line or two, and I'll draft it if you are too busy.

Nick Conger

U.S. Environmental Protection Agency

Office: (202) 564-6287

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To: Conger, Nick <Conger.Nick@epa.gov>
Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Pieh, Luseni <Pieh.Luseni@epa.gov>; Shenkman, Ethan <Shenkman.Ethan@epa.gov>; Rhodes, Julia <Rhodes.Julia@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>
Subject: RE: The Daily Tar Heel-Interview Request

Ex. 5 - Deliberative Process

Lilian Sotolongo Dorka

Acting Director, EPA, Office of Civil Rights

202-564-9649

WJC-N Room 2450

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Sent: Friday, October 07, 2016 11:50 AM
To: Dorka, Lilian <Dorka.Lilian@epa.gov>
Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Pieh, Luseni <Pieh.Luseni@epa.gov>; Shenkman, Ethan <Shenkman.Ethan@epa.gov>; Rhodes, Julia <Rhodes.Julia@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>
Subject: RE: The Daily Tar Heel-Interview Request

Ok I think that will work, thank you. Yes, if you provide a brief statement for the top of this, that would be really helpful. I assume that declining an interview citing this case as pending is appropriate, but let me know if you have any other direction.

Nick Conger

U.S. Environmental Protection Agency

Office: (202) 564-6287

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Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Pieh, Luseni <Pieh.Luseni@epa.gov>; Shenkman, Ethan <Shenkman.Ethan@epa.gov>; Rhodes, Julia <Rhodes.Julia@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>
Subject: RE: The Daily Tar Heel-Interview Request
Importance: High

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Lilian Sotolongo Dorka

Acting Director, EPA, Office of Civil Rights

202-564-9649

WJC-N Room 2450

From: Conger, Nick

Sent: Friday, October 07, 2016 10:03 AM

To: Dorka, Lilian <Dorka.Lilian@epa.gov>; Rhodes, Julia <Rhodes.Julia@epa.gov>

Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>

Subject: FW: The Daily Tar Heel-Interview Request

Hello Lilian and Julia,

Can you send me a proposed statement about the petition referenced below? We won't do an interview with Avi, but we'd like to provide something.

Thanks-

Nick

Nick Conger

U.S. Environmental Protection Agency

Office: (202) 564-6287

Ex. 6 - Personal Privacy

From: Harrison, Melissa

Sent: Friday, October 07, 2016 9:45 AM

To: Garbow, Avi <Garbow.Avi@epa.gov>; Benenati, Frank <benenati.frank@epa.gov>

Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>; Conger, Nick <Conger.Nick@epa.gov>

Subject: RE: The Daily Tar Heel-Interview Request

Looping in Nancy/Nick who can reach out. I believe we have a backgrounder and/or statement.
Thanks! Melissa

Melissa J. Harrison

Deputy Associate Administrator

Office of Public Affairs

U.S. Environmental Protection Agency

Office: (202) 564-8421

Ex. 6 - Personal Privacy

Harrison.Melissa@epa.gov

From: Garbow, Avi
Sent: Friday, October 07, 2016 9:41 AM
To: Benenati, Frank <benenati.frank@epa.gov>; Harrison, Melissa <Harrison.Melissa@epa.gov>
Subject: Fwd: The Daily Tar Heel-Interview Request

FYI

Avi Garbow

General Counsel, US EPA

Sent from my iPhone

Begin forwarded message:

From: JoLynn Smith <jolynnsmith27@gmail.com>
Date: October 7, 2016 at 7:31:46 AM MDT
To: Garbow.avi@epa.gov
Subject: **The Daily Tar Heel-Interview Request**

Mr. Garbow,

I am a staff writer for The Day Tar Heel. Currently I am working on an article about North Carolina's petition against the hog farming industry that was filed earlier this week in Washington D.C.

Would you be available for a phone interview at some point today to discuss the topic?

Thanks,

JoLynn

To: Dorka, Lilian[Dorka.Lilian@epa.gov]
Cc: Breen, Barry[Breen.Barry@epa.gov]
From: Akinnusotu, Bunmi
Sent: Tue 11/15/2016 8:55:48 PM
Subject: FW: OCR Case - NC DEQ and Swine Feeding Operations -- Following Up on Oct. 17th Meeting
[Potential Remedies Submitted by Complainants.docx](#)

Hi Lilian

OLEM has no further action on this at this time. Please do continue to keep us in the loop.

Thanks,

Bunmi

Bunmi

Special Assistant

U.S. EPA

Office of Land and Emergency Management (Formerly, OSWER)

Desk: 202.566.2056

[OLEM is on Twitter @EPALand](#)

From: Dorka, Lilian

Sent: Thursday, November 03, 2016 7:41 PM

To: McTeerToney, Heather <McTeerToney.Heather@epa.gov>; Lapierre, Kenneth <Lapierre.Kenneth@epa.gov>; Shaw, Betsy <Shaw.Betsy@epa.gov>; Shapiro, Mike <Shapiro.Mike@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Robbins, Chris <Robbins.Chris@epa.gov>; Heard, Anne <Heard.Anne@epa.gov>

Cc: O'Lone, Mary <OLone.Mary@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>;

Shenkman, Ethan <Shenkman.Ethan@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; Garbow, Avi <Garbow.Avi@epa.gov>; Fritz, Matthew <Fritz.Matthew@epa.gov>; Pieh, Luseni <Pieh.Luseni@epa.gov>; Reeder, John <Reeder.John@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>; Isales, Daniel <Isales.Daniel@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>; Johnson, Johahna <Johnson.Johahna@epa.gov>; HALIM-CHESTNUT, NAIMA <Halim-Chestnut.Naima@epa.gov>; Peurifoy, Cynthia <Peurifoy.Cynthia@epa.gov>; Tejada, Matthew <Tejada.Matthew@epa.gov>; Lee, Charles <Lee.Charles@epa.gov>; Ali, Mustafa <Ali.Mustafa@epa.gov>; Tommelleo, Nancy <Tommelleo.Nancy@epa.gov>; Akinnusotu, Bunmi <Akinnusotu.Bunmi@epa.gov>; Niebling, William <Niebling.William@epa.gov>; Prabhu, Aditi <Prabhu.Aditi@epa.gov>; Wilkes, Mary <Wilkes.Mary@epa.gov>; Jenkins, Brandi <Jenkins.Brandi@epa.gov>; Jones-Johnson, Shea <Jones-Johnson.Shea@epa.gov>; Giattina, James <Giattina.Jim@epa.gov>; Gordon, Scott <Gordon.Scott@epa.gov>; Nagle, Deborah <Nagle.Deborah@epa.gov>; Frace, Sheila <Frace.Sheila@epa.gov>; Wilson, Shari <Wilson.Shari@epa.gov>; Tennessee, Denise <Tennessee.Denise@epa.gov>; Hicks, Javoyne <Hicks.Javoyne@epa.gov>; Radtke, Meghan <Radtke.Meghan@epa.gov>; Kreisler, Eva <Kreisler.Eva@epa.gov>; Carleton, Ron <Carleton.Ron@epa.gov>; Sisario, Kelly <Sisario.Kelly@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Conger, Nick <Conger.Nick@epa.gov>; Lincoln, Larry <Lincoln.Larry@epa.gov>

Subject: OCR Case - NC DEQ and Swine Feeding Operations -- Following Up on Oct. 17th Meeting

Importance: High

Hello Colleagues –

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

If you or your staff has any questions, please feel free contact either Daniel Isales or Mary O'Lone. Also, if you or your staff would like access to the REACH SharePoint site that contains documents related to the case, please contact Mary O'Lone (olone.mary@epa.gov) or Ericka Farrell (Farrell.ericka@epa.gov) who can grant access.

To: Whickum, Cheryl[Whickum.Cheryl@epa.gov];
regina.perry@dpcsecurity.com[regina.perry@dpcsecurity.com]; Brunson,
Joyce[Brunson.Joyce@epa.gov]; SecurityOfficers[SecurityOfficers@epa.gov]
Cc: Anderson, Stephanie[anderson.stephanie@epa.gov]; Davis-Ray, Bernie[Davis-
Ray.Bernie@epa.gov]; Dorka, Lilian[Dorka.Lilian@epa.gov]; Farrell, Ericka[Farrell.Ericka@epa.gov];
Gentry, Barbara[Gentry.Barbara@epa.gov]; Harrell, Salah[harrell.salah@epa.gov]; Harris,
PhyllisA[Harris.PhyllisA@epa.gov]; Newell, Florence[newell.florence@epa.gov]; Standifer,
Kenneth[Standifer.Kenneth@epa.gov]; Temple, Kurt[Temple.Kurt@epa.gov]; OARM-OA-SMD-OB[OARM-
OA-SMD-OB@epa.gov]
From: Stewart, JamesL
Sent: Wed 10/5/2016 1:40:27 PM
Subject: RE: SECURITY NOTIFICATION (LIST OF ATTENDEES) _ RE - OCR Swine Operations
Public Meeting (on 10/5/2016 @ 3:00pm)

Maj, Brunson,

Please notify the PSO's in the north lobby of the below meeting today. All guests must present a valid photo ID, sign in, go thru security screening and be escorted. Cheryl Whickum will be the POC. Thanks

V/R

James L. Stewart

Security Specialist

HQ Guard Force Manager

Environmental Protection Agency

OARM/Facilities Management and Services Division

Headquarters Operations Branch

Office: 202-564-7841

Ex. 6 - Personal Privacy

Mailing Address:

William Jefferson Clinton Federal Building
1200 Pennsylvania Avenue NW MC 3204R
Washington, DC 20460

From: Whickum, Cheryl
Sent: Wednesday, October 05, 2016 9:32 AM
To: Stewart, JamesL <Stewart.JamesL@epa.gov>
Cc: Anderson, Stephanie <anderson.stephanie@epa.gov>; Davis-Ray, Bernie <Davis-Ray.Bernie@epa.gov>; Dorka, Lilian <Dorka.Lilian@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>; Gentry, Barbara <Gentry.Barbara@epa.gov>; Harrell, Salah <harrell.salah@epa.gov>; Harris, PhyllisA <Harris.PhyllisA@epa.gov>; Newell, Florence <newell.florence@epa.gov>; Standifer, Kenneth <Standifer.Kenneth@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>
Subject: SECURITY NOTIFICATION (LIST OF ATTENDEES) _ RE - OCR Swine Operations Public Meeting (on 10/5/2016 @ 3:00pm)
Importance: High

A Warm & Hearty, Great & Good Day to You!

Security Officer James Stewart:

Per our telephone conversation a few minutes ago, regarding the attendees for today Office of Civil Rights meeting, the information is as follows:

Conference Title: OCR Swine Operations Public Meeting
Date: October 5, 2016
Meeting Time: 3:00 p.m. – 4:00 p.m. (EDT)
Arrival Time: Attendees arriving between 2:30 p.m. to 3:00 p.m.
Initiator: EPA Headquarters – Office of Civil Rights (OCR)
Location: William Jefferson Clinton (WJC), North Building
Conference Room 3530

Attendees:

Naeema Muhammed	(official name: Patricia White) (NCEJN)
Devon Hall	(REACH)
Larry Baldwin	(Crystal Coastkeeper, Waterkeeper)
Dan Estrin	(Waterkeeper)
Marianne Engelman Lado	(Earthjustice)
Alexis Andiman	(Earthjustice)
Elizabeth Haddix	(NC Center for Civil Rights)
Brent Ducharme	(NC Center for Civil Rights)
Violet Branch	(Duplin County)
Lana Carter	(Columbus County)
Wilton Andrews	(Bladen County)
Amos Dobson	(Duplin County)
Elsie Herring	(Duplin County)
Ellis Tatum	(Sampson County)
Bridgett Bellamy	(Bladen County)
Raeford Bennett	(Sampson County)
Regina Barnes	(affiliated with NCEJN)
Melvin Felton	(REACH)
Diane Monk	(Sampson County)
Nick Woodard	(Duplin County)
Evelyn Woodard	(Duplin County)
Shatinah Woodard	(Pender County)

Solomon Woodard	(Pender County)
Carolyn Taylor	(Community Member)
Andrea Delgado	(Community Member)

EPA Escorts:

Anderson, Stephanie

Harrell, Salah

Newell, Florence (alternate)

Standifer, Kenneth (alternate)

Whickum, Cheryl

If there are any questions regarding the above, please contact me.

Thank you,

Cheryl Whickum

U. S. EPA

Clerical Support/Staff Assistant

Office of Civil Rights

1200 Pennsylvania Ave, NW

WJC-North, Rm 2450, Mail Code: 1201A

Washington, DC 20460

202-564-4366 (Direct Line)

202-564-7272 (Office Line)

202-501-1836 (Fax Line)

To: Dorka, Lilian[Dorka.Lilian@epa.gov]
Cc: Grantham, Nancy[Grantham.Nancy@epa.gov]; Packard, Elise[Packard.Elise@epa.gov]; Pieh, Luseni[Pieh.Luseni@epa.gov]; Shenkman, Ethan[Shenkman.Ethan@epa.gov]; Rhodes, Julia[Rhodes.Julia@epa.gov]; O'Lone, Mary[OLone.Mary@epa.gov]
From: Conger, Nick
Sent: Fri 10/7/2016 3:49:36 PM
Subject: RE: The Daily Tar Heel-Interview Request

Ok I think that will work, thank you. Yes, if you provide a brief statement for the top of this, that would be really helpful. I assume that declining an interview citing this case as pending is appropriate, but let me know if you have any other direction.

Nick Conger

U.S. Environmental Protection Agency

Office: (202) 564-6287

Cell: (202) 412-2655

From: Dorka, Lilian
Sent: Friday, October 07, 2016 11:32 AM
To: Conger, Nick <Conger.Nick@epa.gov>
Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Pieh, Luseni <Pieh.Luseni@epa.gov>; Shenkman, Ethan <Shenkman.Ethan@epa.gov>; Rhodes, Julia <Rhodes.Julia@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>
Subject: RE: The Daily Tar Heel-Interview Request
Importance: High

Hi Nick- The Petition is related to the Swine Feeding Operation case an NC DEQ

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

I will work with GC on that Blurb to add to the summary. (Summary below.) Lilian

Current Status of EPA-OCR Case No. 11R-14-R4:

EPA OCR is currently investigating the following issues:

Whether the North Carolina [NC DEQ's] regulation of swine feeding operations discriminates against African Americans, Latinos, and Native Americans on the basis of race and national origin in neighboring communities and violates Title VI of the Civil Rights Act of 1964 and the Environmental Protection Agency's implementing regulations.

Whether NCDEQ's actions or inactions, including those associated with the presence and activities of the Pork Councils related to the January 2016 mediation session, violated 40 C.F.R § 7.100 which prohibits intimidating, threatening, coercing, or engaging in other discriminatory conduct against any individual or group because of actions taken and/or participation in an action to secure rights protected by the non-discrimination statutes OCR enforces.

Background:

- On September 3, 2014, Earthjustice filed Title VI complaint on behalf of the North Carolina Environmental Justice Network, Rural Empowerment Association for Community Help (REACH), and the Waterkeeper Alliance, Inc. alleging discrimination based on race and national origin by the North Carolina Department of Environmental Quality (NC DEQ), with respect its regulation of swine feeding operations.
- On **February 20, 2015**, OCR issued a letter accepting the following issue for investigation:

Whether the North Carolina [NC DEQ's] regulation of swine feeding operations discriminates against African Americans, Latinos, and Native Americans on the basis of race and national origin in neighboring communities and violates Title VI of the Civil Rights Act of 1964 and the

Environmental Protection Agency's implementing regulations.

- Consistent with OCR's case processing procedures, OCR offered to the Recipient and the Complainants an opportunity to engage in Alternative Dispute Resolution (ADR) as way to resolve the complaint. On **March 6, 2015**, Complainants and NC DEQ agreed to enter into ADR.
- As explained in OCR's Case Resolution Manual (CRM) (see http://www.epa.gov/sites/production/files/2015-12/documents/ocr_crm_final.pdf at Section 3.11), EPA-OCR's ADR process involves the formal mediation of a complaint between the complainant and recipient, through the use of a professionally trained mediator. The EPA considers the ADR process to be a viable option for complainants and recipients to address some, if not all, of the issues raised in nondiscrimination complaints.
- As explained in the CRM, if the recipient and complainant agree to engage in ADR, EPA-OCR will suspend its investigation of the complaint. Consistent with the CRM, the investigation of this case was suspended as of **March 6, 2015** and a letter was then issued to the parties reflecting the suspension of the investigation. OCR does not participate in the mediation process.
- **On March 7, 2016**, the Complainants inform OCR that they are withdrawing from the mediation process and request that OCR resume the investigation. OCR immediately resumed its investigation and via letter dated **May 5, 2016**, OCR formally informed both parties that, as the ADR process concluded without resolution, OCR had reinitiated its investigation.
- **On July 11, 2016**, the Complainants filed a complaint alleging NC DEQ violated EPA's regulation prohibiting retaliation, intimidation, and harassment of Complainants.
- **On August 2, 2016**, OCR accepted for investigation whether NCDEQ's actions or inactions, including those associated with the presence and activities of the Pork Councils related to the January 2016 mediation session, violated the civil rights laws which prohibit intimidating, threatening, coercing, or engaging in other discriminatory conduct against any individual or group because of actions taken and/or participation in an action to secure

rights protected by the non-discrimination statutes OCR enforces.

- The new retaliation claim was added to the investigation of the original complaint and, therefore, **OCR is currently investigating:**

Whether the North Carolina [NC DEQ's] regulation of swine feeding operations discriminates against African Americans, Latinos, and Native Americans on the basis of race and national origin in neighboring communities and violates Title VI of the Civil Rights Act of 1964 and the Environmental Protection Agency's implementing regulations.

Whether NCDEQ's actions or inactions, including those associated with the presence and activities of the Pork Councils related to the January 2016 mediation session, violated 40 C.F.R § 7.100 which prohibits intimidating, threatening, coercing, or engaging in other discriminatory conduct against any individual or group because of actions taken and/or participation in an action to secure rights protected by the non-discrimination statutes OCR enforces.

Lilian Sotolongo Dorka

Acting Director, EPA, Office of Civil Rights

202-564-9649

WJC-N Room 2450

From: Conger, Nick

Sent: Friday, October 07, 2016 10:03 AM

To: Dorka, Lilian <Dorka.Lilian@epa.gov>; Rhodes, Julia <Rhodes.Julia@epa.gov>

Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>

Subject: FW: The Daily Tar Heel-Interview Request

Hello Lilian and Julia,

Can you send me a proposed statement about the petition referenced below? We won't do an interview with Avi, but we'd like to provide something.

Thanks-

Nick

Nick Conger

U.S. Environmental Protection Agency

Office: (202) 564-6287

Ex. 6 - Personal Privacy

From: Harrison, Melissa

Sent: Friday, October 07, 2016 9:45 AM

To: Garbow, Avi <Garbow.Avi@epa.gov>; Benenati, Frank <benenati.frank@epa.gov>

Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>; Conger, Nick <Conger.Nick@epa.gov>

Subject: RE: The Daily Tar Heel-Interview Request

Looping in Nancy/Nick who can reach out. I believe we have a backgrounder and/or statement.
Thanks! Melissa

Melissa J. Harrison

Deputy Associate Administrator

Office of Public Affairs

U.S. Environmental Protection Agency

Office: (202) 564-8421

Ex. 6 - Personal Privacy

Harrison.Melissa@epa.gov

From: Garbow, Avi
Sent: Friday, October 07, 2016 9:41 AM
To: Benenati, Frank <benenati.frank@epa.gov>; Harrison, Melissa <Harrison.Melissa@epa.gov>
Subject: Fwd: The Daily Tar Heel-Interview Request

FYI

Avi Garbow

General Counsel, US EPA

Sent from my iPhone

Begin forwarded message:

From: JoLynn Smith **Ex. 6 - Personal Privacy**
Date: October 7, 2016 at 7:31:46 AM MDT
To: Garbow.avi@epa.gov
Subject: The Daily Tar Heel-Interview Request

Mr. Garbow,

I am a staff writer for The Day Tar Heel. Currently I am working on an article about North Carolina's petition against the hog farming industry that was filed earlier this week in Washington D.C.

Would you be available for a phone interview at some point today to discuss the topic?

Thanks,

JoLynn

To: Dorka, Lilian[Dorka.Lilian@epa.gov]
From: O'Lone, Mary
Sent: Thur 10/6/2016 2:45:56 AM
Subject: RE: Declined: Meeting with Marianne Engelman Lado and Complainants re Pending OCR Case Involving NCDEQ and Swine Feeding Operations
NC swine CAFOs approach options 10 5 2016 b.docx

You need to look at the materials as well.

Here is the current version.

I will be sending Eva & R4 section V to look at. Then after you finish with the other sections we can send out the whole thing out to everyone else..

Mary O'Lone
Civil Rights and Finance Law Office
Office of General Counsel
US EPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460
(202) 564-4992

-----Original Message-----

From: Dorka, Lilian
Sent: Wednesday, October 05, 2016 10:37 PM
To: O'Lone, Mary <OLone.Mary@epa.gov>
Cc: Kreisler, Eva <Kreisler.Eva@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Rhodes, Julia <Rhodes.Julia@epa.gov>
Subject: Re: Declined: Meeting with Marianne Engelman Lado and Complainants re Pending OCR Case Involving NCDEQ and Swine Feeding Operations

Great, thanks so much!

Sent from my iPhone

> On Oct 5, 2016, at 10:35 PM, O'Lone, Mary <OLone.Mary@epa.gov> wrote:
>
> Lilian-
> I can fill Eva in tomorrow afternoon.
> The meeting is scheduled for the morning of the 13th.
> I need to give her a draft of the OneEPA options to look at tomorrow as well so we can get the briefing materials out..

>
>
> Mary O'Lone
> Civil Rights and Finance Law Office
> Office of General Counsel
> US EPA
> 1200 Pennsylvania Avenue, NW
> Washington, DC 20460
> (202) 564-4992

> -----Original Message-----

> From: Dorka, Lilian
> Sent: Wednesday, October 05, 2016 10:04 PM
> To: Kreisler, Eva <Kreisler.Eva@epa.gov>
> Cc: Dorka, Lilian <Dorka.Lilian@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; O'Lone, Mary

<OLone.Mary@epa.gov>; Rhodes, Julia <Rhodes.Julia@epa.gov>

> Subject: Re: Declined: Meeting with Marianne Engelman Lado and Complainants re Pending OCR Case Involving NCDEQ and Swine Feeding Operations

>

> Hi Eva, I understand. We can maybe set up a time to talk and can give you bottom line on today's meeting. As for the meeting next week, Avi has set that for Thursday at 11. I will forward that invite to you tomorrow.

>

> Sent from my iPhone

>

>> On Oct 5, 2016, at 1:21 PM, Kreisler, Eva <Kreisler.Eva@epa.gov> wrote:

>>

>> Hi Lilian,

>>

>> Unfortunately, I am unable to join this afternoon's call,

Ex. 6 - Personal Privacy

Ex. 6 - Personal Privacy If there are any notes from the meeting I would appreciate getting them.

>>

>> Also, as far as the meeting next week is concerned, please note that the Jewish holiday of Yom Kippur is Tuesday and Wednesday next week so if the call could be on Thursday or Friday it would be much appreciated.

>>

>> Thank you,

>>

>> Eva

>>

>> <meeting.ics>

To: Dorka, Lilian[Dorka.Lilian@epa.gov]; Kreisler, Eva[Kreisler.Eva@epa.gov]
Cc: Packard, Elise[Packard.Elise@epa.gov]; Rhodes, Julia[Rhodes.Julia@epa.gov]
From: O'Lone, Mary
Sent: Thur 10/6/2016 2:35:34 AM
Subject: RE: Declined: Meeting with Marianne Engelman Lado and Complainants re Pending OCR Case Involving NCDEQ and Swine Feeding Operations

Lilian-

I can fill Eva in tomorrow afternoon.

The meeting is scheduled for the morning of the 13th.

I need to give her a draft of the OneEPA options to look at tomorrow as well so we can get the briefing materials out..

Mary O'Lone
Civil Rights and Finance Law Office
Office of General Counsel
US EPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460
(202) 564-4992

-----Original Message-----

From: Dorka, Lilian

Sent: Wednesday, October 05, 2016 10:04 PM

To: Kreisler, Eva <Kreisler.Eva@epa.gov>

Cc: Dorka, Lilian <Dorka.Lilian@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>; Rhodes, Julia <Rhodes.Julia@epa.gov>

Subject: Re: Declined: Meeting with Marianne Engelman Lado and Complainants re Pending OCR Case Involving NCDEQ and Swine Feeding Operations

Hi Eva, I understand. We can maybe set up a time to talk and can give you bottom line on today's meeting. As for the meeting next week, Avi has set that for Thursday at 11. I will forward that invite to you tomorrow.

Sent from my iPhone

> On Oct 5, 2016, at 1:21 PM, Kreisler, Eva <Kreisler.Eva@epa.gov> wrote:

>

> Hi Lilian,

>

> Unfortunately, I am unable to join this afternoon's call, **Ex. 6 - Personal Privacy**

Ex. 6 - Personal Privacy If there are any notes from the meeting I would appreciate getting them.

>

> Also, as far as the meeting next week is concerned, please note that the Jewish holiday of Yom Kippur is Tuesday and Wednesday next week so if the call could be on Thursday or Friday it would be much appreciated.

>

> Thank you,

>

> Eva

>

> <meeting.ics>

To: Lincoln, Larry[Lincoln.Larry@epa.gov]
Cc: Dorka, Lilian[Dorka.Lilian@epa.gov]; Distefano, Nichole[DiStefano.Nichole@epa.gov]; Asher, Jonathan[Asher.Jonathan@epa.gov]; Brown, Tristan[Brown.Tristan@epa.gov]; Benenati, Frank[benenati.frank@epa.gov]; Harrison, Melissa[Harrison.Melissa@epa.gov]; Lee, Monica[Lee.Monica@epa.gov]
From: Grantham, Nancy
Sent: Tue 10/4/2016 9:41:43 PM
Subject: FW: REACH - draft response to NC DEQ's request for dismissal
FINAL DRAFT response to NC DEQ dismissal request 10-3-16 CLEAN.docx
2016 09 02 Title VI ltr to Dorka with DEQ position on File No. 11R-14-R4.pdf

Larry – FYI – this letter is going out today or tomorrow – also at 3 p.m. tomorrow, Marianne Engleman Lado and the Complainants are coming to EPA in a bus to meet with the OCR program.

Let us know if you would like to listen in on the call.

Thanks ng

Nancy Grantham

Office of Public Affairs

US Environmental Protection Agency

202-564-6879 (desk)

Ex. 6 - Personal Privacy

From: Dorka, Lilian
Sent: Monday, October 03, 2016 7:16 PM
To: Fritz, Matthew <Fritz.Matthew@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>
Cc: Temple, Kurt <Temple.Kurt@epa.gov>; Isales, Daniel <Isales.Daniel@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>; Shenkman, Ethan <Shenkman.Ethan@epa.gov>; Prabhu, Aditi <Prabhu.Aditi@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Johnson, Johahna <Johnson.Johahna@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>; Rhodes, Julia <Rhodes.Julia@epa.gov>; Pich, Luseni <Pich.Luseni@epa.gov>; Reeder, John <Reeder.John@epa.gov>

Subject: FW: REACH - draft response to NC DEQ's request for dismissal
Importance: High

Hi Matt & Nancy,

Attached is a letter we would like to send to NC DEQ in response to their September 2nd request (also attached) that we dismiss the REACH case (NC DEQ swine feeding operation case).

Ex. 5 - Deliberative Process/ Atty Client

Ex. 5 - Deliberative Process/ Attorney Client

Ex. 5 - Deliberative Process

Please let us know if you have any questions. Thanks very much! Lilian

Lilian Sotolongo Dorka

Acting Director, EPA, Office of Civil Rights

202-564-9649

WJC-N Room 2450

To: Carleton, Ron[Carleton.Ron@epa.gov]
Cc: Dorka, Lilian[Dorka.Lilian@epa.gov]; Temple, Kurt[Temple.Kurt@epa.gov]; Packard, Elise[Packard.Elise@epa.gov]
From: O'Lone, Mary
Sent: Thur 10/13/2016 4:53:10 PM
Subject: Meeting on Monday regarding Title VI complaints & NC CAFOs
[2016.10.17 Briefing ATT. C List of studies & reports 10.13.2016.docx](#)
[2016.10.17 Briefing ATT. B Impact from declarations 10.13.2016.docx](#)
[2016.10.17 Briefing ATT. A REACH complaint BACKGROUND timeline 10.13.2016.docx](#)
[2016.10.17 Agenda REACH & NC CAFOs mtg.docx](#)
[2016.10.17 Briefing paper Approach REACH & NC swine CAFOs 10.13.docx](#)
[2016.10.17 Briefing ATT. D 09 03 14 Complaint - Exhibit 2 - Wing comments on Gen permit \(2013\).pdf](#)

Ron-

I thought we'd updated you before this on the status of the discrimination complaint Earthjustice filed under Title VI of the Civil Rights Act of 1964 about NC swine CAFO waste permit programs. But I can't find a more recent email.

In March of this year, the ADR process discussed below fell apart & OCR reinitiated its complaint investigation. On Monday, October 17th there is a meeting that will include a discussion of OCR's path forward and n OCR is having a meeting to discuss its path forward and Ex. 5 - Deliberative Process I will forward the invitation to you shortly. I have attached the briefing materials.

Let me know if you have any questions. But please note that I am in until about 2 today, then out until Monday morning. Thanks, Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: Carleton, Ron
Sent: Tuesday, March 03, 2015 4:58 PM
To: O'Lone, Mary <OLone.Mary@epa.gov>
Cc: Wooden-Aguilar, Helena <Wooden-Aguilar.Helena@epa.gov>
Subject: Re: REACH

Thanks for the update!

Ron Carleton

Counselor to the Administrator for Agricultural Policy

Sent from my iPhone

On Mar 3, 2015, at 3:04 PM, O'Lone, Mary <OLone.Mary@epa.gov> wrote:

Ron-

Avi wanted to make sure you were kept in the loop and I know OCR tried to hook you into a meeting this morning to give you this heads up. Yesterday OCR spoke with Earthjustice who said they were not interested in OCR pursuing the enforcement allegation. OCR is drafting letters to Earthjustice & NC DENR memorializing this. Once they are issued, they will be put up on the REACH SharePoint site (I just sent you a link to access the site).

By way of other developments, I think I mentioned in that both NC DENR & Earthjustice expressed interest in ADR. Will Hall of ADRLO will be briefing NC DENR on the ADR process tomorrow morning. Should NC DENR agree to ADR, then a similar briefing will be set up for the complainants.

Thanks, Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: O'Lone, Mary
Sent: Monday, February 23, 2015 12:09 PM
To: Carleton, Ron
Cc: Wooden-Aguilar, Helena
Subject: Re: REACH

Ron-

Sorry, I had too many If & whens in there. Just so it is clear . . .

Both NC DENR & Earthjustice have been asked informally if they are interested in ADR. Both have to confer internally/with clients before providing a response.

If they both responded that they did want to try, then OCR would work with ADRLO to get the process up and running. OCR would pay for it, but not participate. The ADR would be between NC DENR & the Complainants. When they both sign on formally to ADR, then OCR will put the investigation on hold. Until that time, OCR will continue to move forward.

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-4992

From: O'Lone, Mary
Sent: Monday, February 23, 2015 9:53 AM
To: Carleton, Ron; Dorka, Lilian
Cc: Golightly-Howell, Velveta; Wooden-Aguilar, Helena; Matthew, Dayna
Subject: Re: REACH

Ron-

In addition, as things moved quickly on Friday, we wanted to let you know that both NC DENR & Earthjustice have already been approached informally by EPA about ADR. NC DENR expressed initial interest, but will get back to EPA early next week. If and when, Earthjustice said they will have to confer with their clients and will try to let us know by Wednesday (2/25) if their clients are interested.

If and when both sign on formally to ADR, then OCR will put the investigation on hold. Until that time, OCR will continue to move forward.

Thanks, Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-4992

From: Carleton, Ron
Sent: Monday, February 23, 2015 8:21 AM
To: Dorka, Lilian
Cc: Golightly-Howell, Velveta; Wooden-Aguilar, Helena; O'Lone, Mary
Subject: RE: REACH

Excellent. I look forward to working with you.

Ron

From: Dorka, Lilian
Sent: Friday, February 20, 2015 6:35 PM
To: Carleton, Ron
Cc: Golightly-Howell, Velveta; Wooden-Aguilar, Helena; O'Lone, Mary
Subject: Fwd: REACH

From: "Golightly-Howell, Velveta" <Golightly-Howell.Velveta@epa.gov>
To: "carlton.ron@epa.gov" <carlton.ron@epa.gov>
Cc: "KeyesFleming, Gwendolyn" <KeyesFleming.Gwendolyn@epa.gov>, "Reeder, John" <Reeder.John@epa.gov>, "Dorka, Lilian" <Dorka.Lilian@epa.gov>, "Wooden-Aguilar, Helena" <Wooden-Aguilar.Helena@epa.gov>, "Matthew, Dayna" <Matthew.Dayna@epa.gov>, "Packard, Elise" <Packard.Elise@epa.gov>, "Rhodes, Julia" <Rhodes.Julia@epa.gov>, "O'Lone, Mary" <OLone.Mary@epa.gov>, "Colaizzi, Jennifer C." <Colaizzi.Jennifer@epa.gov>
Subject: REACH

Hi Ron. We have not had the pleasure of meeting yet and I look forward to doing so soon. I'm writing to let you know that today my office issued the attached letters accepting for investigation one allegation and requesting clarification on another made in the Title VI complaint filed in September 2014 by Earthjustice regarding alleged discrimination related to swine feeding operations in North Carolina. Specifically, OCR will investigate whether:

* North Carolina DENR's regulation of swine feeding operations discriminates against African Americans, Latinos, and Native Americans on the basis of race and national origin in neighboring communities and violates Title VI and EPA's implementing regulations.

OCR would like to be able to tap into existing EPA expertise with CAFO issues. The investigation is on a tight timeframe, and we are looking for those in EPA who have

the background and experience to assist us as we navigate what we anticipate will be controversial and potentially high-profile issues. In the near future, Helena Wooden-Aguilar of my staff or Mary O'Lone of OGC will contact you to schedule some time to discuss this complaint and some of the issues it raises.

On the off chance that a reporter makes their way to you, please refer any press inquiries directly to Jennifer Colaizzi in OPA (202-564-7776). Jennifer is prepared to field all inquiries about this case. We look forward to working with you.

Velveta Golightly-Howell
Director, Office of Civil Rights
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Mail Code 1201A
Washington, DC 20460
202-564-6685

To: Dorka, Lilian[Dorka.Lilian@epa.gov]
Cc: O'Lone, Mary[OLone.Mary@epa.gov]; Haddix, Elizabeth McLaughlin (emclaugh@email.unc.edu)[emclaugh@email.unc.edu]; Alexis Andiman[aandiman@earthjustice.org]; Martinez, Brittany[Martinez.Brittany@epa.gov]; Temple, Kurt[Temple.Kurt@epa.gov]
From: Marianne Engelman Lado
Sent: Sat 10/1/2016 2:48:16 AM
Subject: Re: confirming arrangements

Yes, Wednesday. Sorry for the mistake.

You now have the list of attendees.

Thanks,

Marianne

Sent from my iPhone
Apologies for brevity and errors

On Sep 30, 2016, at 10:45 PM, Dorka, Lilian <Dorka.Lilian@epa.gov<mailto:Dorka.Lilian@epa.gov>> wrote:

Hi Marianne - just want to clarify that we scheduled the meeting for Wednesday 10/5 from 3-4-- not Thursday. I just checked our prior emails to confirm.

Sorry for not sending the room earlier. It will be the William J Clinton North Building at 1200 Pennsylvania Ave, NW, Room 3530. I will need to give the guard's desk a list of attendees and they will need ID. We will have someone down there to help. I will also look into the wheelchair and will let you know on Monday.

Please let me know if I have left anything out. Thanks! Lilian

Sent from my iPhone

On Sep 30, 2016, at 5:13 PM, Marianne Engelman Lado <mengelmanlado@earthjustice.org<mailto:mengelmanlado@earthjustice.org>> wrote:

Lilian,

Hope you're well.

I'm writing to confirm arrangements for our meeting regarding REACH on Thursday at 3 pm.

First, I was wondering whether you had been able to confirm a room.

I can confirm that the following 23 people are planning to attend:

Naeema Muhammed (official name: Patricia White) (NCEJN)
Devon Hall (REACH)
Larry Baldwin (Crystal Coastkeeper, Waterkeeper)
Dan Estrin (Waterkeeper)
Marianne Engelman Lado (Earthjustice)
Alexis Andiman (Earthjustice)
Elizabeth Haddix (NC Center for Civil Rights)
Brent Ducharme (NC Center for Civil Rights)
Violet Branch (Duplin County)

Lana Carter (Columbus County)
Wilton Andrews (Bladen County)
Amos Dobson (Duplin County)
Elsie Herring (Duplin County)
Ellis Tatum (Sampson County)
Bridgett Bellamy (Bladen County)
Raeford Bennett (Sampson County)
Regina Barnes (affiliated with NCEJN)
Melvin Felton (REACH)
Diane Monk (Sampson County)
Nick Woodard (Duplin County)
Evelyn Woodard (Duplin County)
Shatinah Woodard (Pender County)
Solomon Woodard (Pender County)

We're hoping to bring a wheelchair with us but we were also wondering whether the wheelchair at EPA might be electric, which would be easier to use once we enter the building than the manual chair that we're planning on bringing.

Many thanks,

Marianne

Marianne Engelman Lado
Senior Staff Attorney
Earthjustice
48 Wall Street, 19th Floor
New York, NY 10005
T: 212.845.7393
F: 212.918.1556
earthjustice.org<<http://www.earthjustice.org/>>

<image001.gif>

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delete the message and any attachments.

To: Dorka, Lilian[Dorka.Lilian@epa.gov]; Covington, Jeryl[Covington.Jeryl@epa.gov]; mary[marytomindc@verizon.net]
Cc: Isales, Daniel[Isales.Daniel@epa.gov]; O'Lone, Mary[OLone.Mary@epa.gov]; Rhodes, Julia[Rhodes.Julia@epa.gov]; Johnson, Johahna[Johnson.Johahna@epa.gov]; Wilson, Adam[wilson.adam@epa.gov]; Temple, Kurt[Temple.Kurt@epa.gov]
From: Farrell, Ericka
Sent: Mon 9/19/2016 3:27:01 PM
Subject: RE: NC DEQ sent an 8 page response to REACH complaint dated Sept 2nd

Stephanie.

Ericka Farrell

202-564-0717

From: Dorka, Lilian
Sent: Monday, September 19, 2016 11:26 AM
To: Farrell, Ericka <Farrell.Ericka@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>;

Ex. 6 - Personal Privacy

Cc: Isales, Daniel <Isales.Daniel@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>; Rhodes, Julia <Rhodes.Julia@epa.gov>; Johnson, Johahna <Johnson.Johahna@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>
Subject: RE: NC DEQ sent an 8 page response to REACH complaint dated Sept 2nd

Who date stamped this.

Lilian Sotolongo Dorka

Acting Director, EPA, Office of Civil Rights

202-564-9649

WJC-N Room 2450

From: Farrell, Ericka
Sent: Monday, September 19, 2016 11:24 AM

To: Dorka, Lilian <Dorka.Lilian@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>;

Ex. 6 - Personal Privacy

Cc: Isales, Daniel <Isales.Daniel@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>; Rhodes, Julia <Rhodes.Julia@epa.gov>; Johnson, Johahna <Johnson.Johahna@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>

Subject: RE: NC DEQ sent an 8 page response to REACH complaint dated Sept 2nd

Lilian,

I have it. I took it home to review on Friday. It was in my chair on Thursday. I was working on draft rejection for another complaint and Jurisdictional review so I did not make it to reviewing this letter.

It was date stamped on September 6, 2016.

However, how did it get to me before you because it is not addressed to me? Ms. Brenda has it now and scanning.

Ericka Farrell

202-564-0717

From: Dorka, Lilian

Sent: Monday, September 19, 2016 11:18 AM

To: Covington, Jeryl <Covington.Jeryl@epa.gov>;

Ex. 6 - Personal Privacy

Cc: Isales, Daniel <Isales.Daniel@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>; Rhodes, Julia <Rhodes.Julia@epa.gov>; Johnson, Johahna <Johnson.Johahna@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>

Subject: RE: NC DEQ sent an 8 page response to REACH complaint dated Sept 2nd

Thanks Jeryl – so glad the mailbox is not involved in this one! So far, we have no record of

having received this letter via mail, and although it says it was sent certified mail, no number is provided. We are continuing to look but, nothing so far.

Lilian Sotolongo Dorka

Acting Director, EPA, Office of Civil Rights

202-564-9649

WJC-N Room 2450

From: Covington, Jeryl

Sent: Monday, September 19, 2016 9:59 AM

To: Dorka, Lilian <Dorka.Lilian@epa.gov>; Ex. 6 - Personal Privacy

Cc: Isales, Daniel <Isales.Daniel@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>; Rhodes, Julia <Rhodes.Julia@epa.gov>; Johnson, Johahna <Johnson.Johahna@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>

Subject: RE: NC DEQ sent an 8 page response to REACH complaint dated Sept 2nd

Please note that this correspondence was not received via the TITLE_VI_COMPLAINTS website either. Earthjustice typically submits their information to this website if there is a notation that the correspondence is delivered via email.

From: Dorka, Lilian

Sent: Monday, September 19, 2016 9:55 AM

Ex. 6 - Personal Privacy

Cc: Isales, Daniel <Isales.Daniel@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>; Rhodes, Julia <Rhodes.Julia@epa.gov>; Johnson, Johahna <Johnson.Johahna@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>

Subject: RE: NC DEQ sent an 8 page response to REACH complaint dated Sept 2nd

Mary and I just discussed this and she is drafting a response to this. I don't know where this letter has been??

Lilian Sotolongo Dorka

Acting Director, EPA, Office of Civil Rights

202-564-9649

WJC-N Room 2450

From: Dorka, Lilian

Sent: Sunday, September 18, 2016 10:52 PM

Ex. 6 - Personal Privacy

Cc: Isafes, Daniel <Isafes.Daniel@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>; Rhodes, Julia <Rhodes.Julia@epa.gov>; Johnson, Johahna <Johnson.Johahna@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>

Subject: Re: NC DEQ sent an 8 page response to REACH complaint dated Sept 2nd

No I have never seen this. Kurt could u confirm w Brenda that we have not received anything?
Thanks!

Sent from my iPhone

On Sep 17, 2016, at 4:50 PM

Ex. 6 - Personal Privacy

<https://ncdenr.s3.amazonaws.com/s3fs-public/DENR/Image%20Files/2016%2009%2002%20Title%20VI%20ltr%20to%20Dorka%20with%20DEQ%2014-R4.pdf>

I've not seen or heard of this letter before. Did OCR get it?

I came across it researching nc hog nuisance litigation. NC DEQ is arguing Title VI complaint should be dismissed bc of the nuisance litigation. They also claim the renewal is an envy, improvement over previous permits & like a decrease & our policy is to not look at decreases.

Sent from Mail for Windows 10

To: Dorka, Lilian[Dorka.Lilian@epa.gov]; Covington, Jeryl[Covington.Jeryl@epa.gov];

Ex. 6 - Personal Privacy

Cc: Isales, Daniel[Isales.Daniel@epa.gov]; O'Lone, Mary[OLone.Mary@epa.gov]; Rhodes, Julia[Rhodes.Julia@epa.gov]; Johnson, Johahna[Johnson.Johahna@epa.gov]; Wilson, Adam[wilson.adam@epa.gov]; Temple, Kurt[Temple.Kurt@epa.gov]

From: Farrell, Ericka

Sent: Mon 9/19/2016 3:24:25 PM

Subject: RE: NC DEQ sent an 8 page response to REACH complaint dated Sept 2nd

Lilian,

I have it. I took it home to review on Friday. It was in my chair on Thursday. I was working on draft rejection for another complaint and Jurisdictional review so I did not make it to reviewing this letter.

It was date stamped on September 6, 2016.

However, how did it get to me before you because it is not addressed to me? Ms. Brenda has it now and scanning.

Ericka Farrell

202-564-0717

From: Dorka, Lilian

Sent: Monday, September 19, 2016 11:18 AM

To: Covington, Jeryl <Covington.Jeryl@epa.gov>

Ex. 6 - Personal Privacy

Cc: Isales, Daniel <Isales.Daniel@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>; Rhodes, Julia <Rhodes.Julia@epa.gov>; Johnson, Johahna <Johnson.Johahna@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>

Subject: RE: NC DEQ sent an 8 page response to REACH complaint dated Sept 2nd

Thanks Jeryl – so glad the mailbox is not involved in this one! So far, we have no record of

having received this letter via mail, and although it says it was sent certified mail, no number is provided. We are continuing to look but, nothing so far.

Lilian Sotolongo Dorka

Acting Director, EPA, Office of Civil Rights

202-564-9649

WJC-N Room 2450

From: Covington, Jeryl

Sent: Monday, September 19, 2016 9:59 AM

To: Dorka, Lilian <Dorka.Lilian@epa.gov>; Ex. 6 - Personal Privacy

Cc: Isales, Daniel <Isales.Daniel@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>; Rhodes, Julia <Rhodes.Julia@epa.gov>; Johnson, Johahna <Johnson.Johahna@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>

Subject: RE: NC DEQ sent an 8 page response to REACH complaint dated Sept 2nd

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From: Dorka, Lilian

Sent: Monday, September 19, 2016 9:55 AM

Ex. 6 - Personal Privacy

Cc: Isales, Daniel <Isales.Daniel@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>; Rhodes, Julia <Rhodes.Julia@epa.gov>; Johnson, Johahna <Johnson.Johahna@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>

Subject: RE: NC DEQ sent an 8 page response to REACH complaint dated Sept 2nd

Mary and I just discussed this and she is drafting a response to this. I don't know where this letter has been??

Lilian Sotolongo Dorka

Acting Director, EPA, Office of Civil Rights

202-564-9649

WJC-N Room 2450

From: Dorka, Lilian

Sent: Sunday, September 18, 2016 10:52 PM

Ex. 6 - Personal Privacy

Cc: Isales, Daniel <Isales.Daniel@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>; Rhodes, Julia <Rhodes.Julia@epa.gov>; Johnson, Johahna <Johnson.Johahna@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>

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Thanks!

Sent from my iPhone

On Sep 17, 2016, at 4:50 PM,

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I've not seen or heard of this letter before. Did OCR get it?

I came across it researching nc hog nuisance litigation. NC DEQ is arguing Title VI complaint should be dismissed bc of the nuisance litigation. They also claim the renewal is an envy, improvement over previous permits & like a decrease & our policy is to not look at decreases.

Sent from Mail for Windows 10

To: Dorka, Lilian[Dorka.Lilian@epa.gov]; **Ex. 6 - Personal Privacy**
Cc: Isales, Daniel[Isales.Daniel@epa.gov]; Farrell, Ericka[Farrell.Ericka@epa.gov]; O'Lone, Mary[OLone.Mary@epa.gov]; Rhodes, Julia[Rhodes.Julia@epa.gov]; Johnson, Johahna[Johnson.Johahna@epa.gov]; Wilson, Adam[wilson.adam@epa.gov]; Temple, Kurt[Temple.Kurt@epa.gov]
From: Covington, Jeryl
Sent: Mon 9/19/2016 1:59:23 PM
Subject: RE: NC DEQ sent an 8 page response to REACH complaint dated Sept 2nd

Please note that this correspondence was not received via the TITLE_VI_COMPLAINTS website either. Earthjustice typically submits their information to this website if there is a notation that the correspondence is delivered via email.

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Sent: Monday, September 19, 2016 9:55 AM
To: **Ex. 6 - Personal Privacy**
Cc: Isales, Daniel <Isales.Daniel@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>; Rhodes, Julia <Rhodes.Julia@epa.gov>; Johnson, Johahna <Johnson.Johahna@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>
Subject: RE: NC DEQ sent an 8 page response to REACH complaint dated Sept 2nd

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Lilian Sotolongo Dorka

Acting Director, EPA, Office of Civil Rights

202-564-9649

WJC-N Room 2450

From: Dorka, Lilian
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To: **Ex. 6 - Personal Privacy**
Cc: Isales, Daniel <Isales.Daniel@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>;

Farrell, Ericka <Farrell.Ericka@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>; Rhodes, Julia <Rhodes.Julia@epa.gov>; Johnson, Johahna <Johnson.Johahna@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>

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On Sep 17, 2016, at 4:50 PM, [Ex. 6 - Personal Privacy]

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Sent from Mail for Windows 10

To: Dorka, Lilian[Dorka.Lilian@epa.gov]
From: Temple, Kurt
Sent: Mon 9/19/2016 10:57:08 AM
Subject: Fwd: NC DEQ sent an 8 page response to REACH complaint dated Sept 2nd

FYI

Sent from my iPhone

Begin forwarded message:

From: "Temple, Kurt" <Temple.Kurt@epa.gov>
Date: September 19, 2016 at 6:50:55 AM EDT
To: "Harrison, Brenda" <Harrison.Brenda@epa.gov>
Subject: Fwd: NC DEQ sent an 8 page response to REACH complaint dated Sept 2nd

Brenda: Have you seen anything come through from North Carolina in this? Possibly addressed to Laura? Kurt

Sent from my iPhone

Begin forwarded message:

From: "Dorka, Lilian" <Dorka.Lilian@epa.gov>
Date: September 18, 2016 at 10:51:43 PM EDT
To: Ex. 6 - Personal Privacy
Cc: "Isales, Daniel" <Isales.Daniel@epa.gov>, "Covington, Jeryl" <Covington.Jeryl@epa.gov>, "Farrell, Ericka" <Farrell.Ericka@epa.gov>, "O'Lone, Mary" <OLone.Mary@epa.gov>, "Rhodes, Julia" <Rhodes.Julia@epa.gov>, "Johnson, Johanna" <Johnson.Johanna@epa.gov>, "Wilson, Adam" <wilson.adam@epa.gov>, "Temple, Kurt" <Temple.Kurt@epa.gov>
Subject: Re: NC DEQ sent an 8 page response to REACH complaint dated Sept 2nd

No I have never seen this. Kurt could u confirm w Brenda that we have not received anything? Thanks!

Sent from my iPhone

On Sep 17, 2016, at 4:50 PM, Ex. 6 - Personal Privacy

<https://ncdenr.s3.amazonaws.com/s3fs-public/DENR/Image%20Files/2016%2009%2002%20Title%20VI%20ltr%20to%20Dorka%20with%2014-R4.pdf>

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I came across it researching nc hog nuisance litigation. NC DEQ is arguing Title VI complaint should be dismissed bc of the nuisance litigation. They also claim the renewal is an envy, improvement over previous permits & like a decrease & our policy is to not look at decreases.

Sent from Mail for Windows 10

To: Dorka, Lilian[Dorka.Lilian@epa.gov]
Cc: Sawyers, Andrew[Sawyers.Andrew@epa.gov]
From: Nagle, Deborah
Sent: Mon 10/3/2016 9:37:10 PM
Subject: Re: Meeting with Marianne Engelman Lado and Complainants re Pending OCR Case Involving NCDEQ and Swine Feeding Operations

Yes. Thanks.

Sent from my iPhone

> On Oct 3, 2016, at 12:13 PM, Dorka, Lilian <Dorka.Lilian@epa.gov> wrote:
>
> Andrew and Deborah,
>
> I think your folks have been providing some assistance to OCR on this case.
>
> Mike
>
> -----Original Appointment-----
> From: Dorka, Lilian
> Sent: Monday, October 03, 2016 12:51 PM
> To: Dorka, Lilian; Ali, Mustafa; Tejada, Matthew; Packard, Elise; Lee, Charles; Garbow, Avi; Shenkman, Ethan; Lapierre, Kenneth; Fritz, Matthew; Temple, Kurt; O'Lone, Mary; Isales, Daniel; Farrell, Ericka; Covington, Jeryl; Pieh, Luseni; Shaw, Betsy; Shapiro, Mike; Starfield, Lawrence; Robbins, Chris; Simons, Vicki; Niebling, William; Kreisler, Eva
> Cc: Whickum, Cheryl; Reeder, John; Tommelleo, Nancy; HALIM-CHESTNUT, NAIMA
> Subject: Meeting with Marianne Engelman Lado and Complainants re Pending OCR Case Involving NCDEQ and Swine Feeding Operations
> When: Wednesday, October 05, 2016 3:00 PM-4:00 PM (UTC-05:00) Eastern Time (US & Canada).
> Where: Currently WJC-N 3530 - but looking into a larger room Conference Call # for Region 4 folks: 1-
> Ex. 6 - Personal Privacy
> Importance: High
>
>
> Hello Everyone – apologies for resending this to those who already have this invitation, but wanted to add Betsy, Mike, Larry and Chris (OAR, OW, OECA, ORD). We are planning a deeper internal conversation on this case that is being scheduled for the week of the 11th. However, wanted to invite you to attend this meeting on Wednesday so that, as a very relevant program, you can hear first-hand the concerns raised by the communities and their advocates. Thanks very much!
>
>
> Hi All, – this is for internal folks only. A couple of you have requested some additional background on the case and where it stands today. Just for your info, I am attaching a couple of docs that will give you that background. The Chart is very draft, is in the process of being updated, and has not been approved at the highest levels. But we thought it might be helpful for you to see. Please let me know if you have any questions.
>
>
> <REACH background summary.docx 9-29-2016.docx>
> <REACH - NC DEQ Swine case Roundtable chart 9 9 2016.docx>
> <meeting.ics>

To: Dorka, Lilian[Dorka.Lilian@epa.gov]; Isales, Daniel[Isales.Daniel@epa.gov]; Temple, Kurt[Temple.Kurt@epa.gov]
Cc: Farrell, Ericka[Farrell.Ericka@epa.gov]; Covington, Jeryl[Covington.Jeryl@epa.gov]; Rhodes, Julia[Rhodes.Julia@epa.gov]
From: O'Lone, Mary
Sent: Tue 9/27/2016 4:12:27 PM
Subject: RE: EPA OCR File No. 11R-14-R4

Ex. 5 - Deliberative / ACP

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: Dorka, Lilian

Sent: Tuesday, September 27, 2016 10:33 AM

To: O'Lone, Mary <OLone.Mary@epa.gov>; Isales, Daniel <Isales.Daniel@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>

Cc: Farrell, Ericka <Farrell.Ericka@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>; Rhodes, Julia <Rhodes.Julia@epa.gov>

Subject: RE: EPA OCR File No. 11R-14-R4

Thanks Mary – I need to share this info with Ken in Region 4. He wants to be more involved and wants to plan a briefing for his RA. What can I share with him? Also, when we brief folks can we make sure we clarify that OCR is lead on this case? Don't want that getting lost.
Thanks!

Lilian Sotolongo Dorka

Acting Director, EPA, Office of Civil Rights

202-564-9649

WJC-N Room 2450

From: O'Lone, Mary

Sent: Tuesday, September 27, 2016 9:47 AM

To: Isales, Daniel <Isales.Daniel@epa.gov>; Dorka, Lilian <Dorka.Lilian@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>

Cc: Farrell, Ericka <Farrell.Ericka@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>; Rhodes, Julia <Rhodes.Julia@epa.gov>

Subject: FW: EPA OCR File No. 11R-14-R4

FYI. OECA looking into OneEPA options & Hermine issues.

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: Kreisler, Eva

Sent: Tuesday, September 27, 2016 9:16 AM

To: O'Lone, Mary <OLone.Mary@epa.gov>

Subject: FW: EPA OCR File No. 11R-14-R4

Just wanted to share this with you. I will keep you appraised of anything I hear.

Eva H. Kreisler, Senior Attorney

International Compliance Assurance Division

U.S. EPA (2254A)

Office (202) 564-8186

Fax (202) 564-0073

kreisler.eva@epa.gov

Help EPA fight pollution by reporting environmental violations on EPA's website at
<http://www.epa.gov/compliance/complaints/index.html>

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From: Starfield, Lawrence
Sent: Tuesday, September 27, 2016 9:13 AM
To: Gordon, Scott <Gordon.Scott@epa.gov>; Wilkes, Mary <Wilkes.Mary@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>
Cc: Kreisler, Eva <Kreisler.Eva@epa.gov>; Shinkman, Susan <Shinkman.Susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Subject: FW: EPA OCR File No. 11R-14-R4

Scott/Mary and Joe,

Ex. 5 - Deliberative Process

Larry

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From: Kreisler, Eva
Sent: Tuesday, September 27, 2016 7:39 AM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Subject: RE: EPA OCR File No. 11R-14-R4

Good morning Larry,

Ex. 5 - Deliberative Process/ Atty Client Privilege

Eva H. Kreisler, Senior Attorney

International Compliance Assurance Division

U.S. EPA (2254A)

Office (202) 564-8186

Fax (202) 564-0073

kreisler.eva@epa.gov

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From: Kreisler, Eva
Sent: Tuesday, September 13, 2016 1:51 PM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Subject: RE: EPA OCR File No. 11R-14-R4

Hi Larry,

Sorry for the delay in getting back to you. I have reached out to Mary to determine what – if anything – they need from us on this case but in the meantime I thought I'd provide you some background:

We received documents and information on this case in February 2015. After reviewing the documentation we were unsure as to what type of involvement OCR was looking for from OECA because the complaint and accompanying documentation talked about discriminatory “regulation” – not enforcement. The case was tracked for ADR after that and we did not hear anything from OGC or OCR until March 2015 when Mary O’Lone called to let me know that ADR had failed and that OCR would be commencing an investigation of the case, and OCR would be reaching out to the DEN for assistance as needed. In addition, Mary O’Lone also contacted Carol Galloway, the CAFO coordinator in R7 for assistance in understanding CAFOs.

I had heard nothing more on this case until your email below. Mary also sent me the documentation you sent and let me know that she had reached out to Nancy Tomelleo in R4 on this matter.

As soon as I hear anything else from Mary I will let you know so that we can determine our involvement going forward.

Eva H. Kreisler, Senior Attorney

International Compliance Assurance Division

U.S. EPA (2254A)

Office (202) 564-8186

Fax (202) 564-0073

kreisler.eva@epa.gov

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From: Starfield, Lawrence
Sent: Thursday, September 08, 2016 6:28 PM
To: Kreisler, Eva <Kreisler.Eva@epa.gov>
Subject: FW: EPA OCR File No. 11R-14-R4

Eva,

I think you determined that this was a permitting, not enforcement, case, but I'm sharing this in case we need to look at it. Thanks.

Larry

From: Dorka, Lilian

Sent: Thursday, September 08, 2016 6:07 PM

To: Haddix, Elizabeth McLaughlin <emclaugh@email.unc.edu>

Cc: Covington, Jeryl <Covington.Jeryl@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>; Neal, Daria (CRT) <Daria.Neal@usdoj.gov>; Alexis Andiman <aandiman@earthjustice.org>; Marianne Engelman Lado (mengelmanlado@earthjustice.org) <mengelmanlado@earthjustice.org>; Ducharme, Brent <ducharme@email.unc.edu>; Dorosin, Mark <dorosin@email.unc.edu>; ferrell.erika@epa.gov; Isales, Daniel <Isales.Daniel@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; Lapierre, Kenneth <Lapierre.Kenneth@epa.gov>; Tommelleo, Nancy <Tommelleo.Nancy@epa.gov>; HALIM-CHESTNUT, NAIMA <Halim-Chestnut.Naima@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Kreisler, Eva <Kreisler.Eva@epa.gov>

Subject: RE: EPA OCR File No. 11R-14-R4

Thanks for this information Elizabeth relative to our investigation of OCR File No. 11R-14-R4 against NC DEQ. (Also copying here colleagues from Region 4 and OECA fyi.)

Lilian Sotolongo Dorka

Acting Director, EPA, Office of Civil Rights

202-564-9649

WJC-N Room 2450

From: Haddix, Elizabeth McLaughlin [<mailto:emclaugh@email.unc.edu>]

Sent: Thursday, September 08, 2016 11:42 AM

To: Dorka, Lilian <Dorka.Lilian@epa.gov>

Cc: Covington, Jeryl <Covington.Jeryl@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>; Neal, Daria (CRT) <Daria.Neal@usdoj.gov>; Alexis Andiman <aandiman@earthjustice.org>; Marianne Engelman Lado (mengelmanlado@earthjustice.org) <mengelmanlado@earthjustice.org>; Ducharme, Brent <ducharme@email.unc.edu>; Dorosin, Mark <dorosin@email.unc.edu>; ferrell.erika@epa.gov; Isales, Daniel <Isales.Daniel@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>

Subject: RE: EPA OCR File No. 11R-14-R4

Dear Ms. Dorka,

Attached please find another supplement to OCR File No. 11R-14-R4

Ex. 6 - Personal Privacy

Ex. 6 - Personal Privacy

The attached also brings to EPA's attention the recent apparent permit violations last week during Hurricane Hermine.

Please feel free to contact us any time to discuss the attached. And thank you again for your efforts in securing a time to meet with our clients on October 5.

Best regards,

Elizabeth

Elizabeth Haddix

Senior Staff Attorney

UNC Center for Civil Rights

323 West Barbee Chapel Rd.

Chapel Hill, NC 27517

Tel. 919.445.0176

Fax 919.843.6748

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law. If the reader of this communication is not the intended recipient, or the employee or agency responsible for delivering the communication to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone at 919 445 0176. Thank you.

To: Isales, Daniel[Isales.Daniel@epa.gov]; Dorka, Lilian[Dorka.Lilian@epa.gov]; Temple, Kurt[Temple.Kurt@epa.gov]
Cc: Farrell, Ericka[Farrell.Ericka@epa.gov]; Covington, Jeryl[Covington.Jeryl@epa.gov]; Rhodes, Julia[Rhodes.Julia@epa.gov]
From: O'Lone, Mary
Sent: Tue 9/27/2016 1:47:14 PM
Subject: FW: EPA OCR File No. 11R-14-R4

FYI. OECA looking into OneEPA options & Hermine issues.

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: Kreisler, Eva
Sent: Tuesday, September 27, 2016 9:16 AM
To: O'Lone, Mary <OLone.Mary@epa.gov>
Subject: FW: EPA OCR File No. 11R-14-R4

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Eva H. Kreisler, Senior Attorney

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Cc: Kreisler, Eva <Kreisler.Eva@epa.gov>; Shinkman, Susan <Shinkman.Susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Subject: FW: EPA OCR File No. 11R-14-R4

Scott/Mary and Joe,

Ex. 5 - Deliberative Process

Larry

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immediately, do not copy, and notify the sender. Thank you.

From: Kreisler, Eva
Sent: Tuesday, September 27, 2016 7:39 AM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Subject: RE: EPA OCR File No. 11R-14-R4

Good morning Larry,

Ex. 5 - Deliberative/ ACP

Eva H. Kreisler, Senior Attorney

International Compliance Assurance Division

U.S. EPA (2254A)

Office (202) 564-8186

Fax (202) 564-0073

kreisler.eva@epa.gov

Help EPA fight pollution by reporting environmental violations on EPA's website at
<http://www.epa.gov/compliance/complaints/index.html>

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From: Kreisler, Eva
Sent: Tuesday, September 13, 2016 1:51 PM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Subject: RE: EPA OCR File No. 11R-14-R4

Hi Larry,

Sorry for the delay in getting back to you. I have reached out to Mary to determine what – if anything – they need from us on this case but in the meantime I thought I'd provide you some background:

We received documents and information on this case in February 2015. After reviewing the documentation we were unsure as to what type of involvement OCR was looking for from OECA because the complaint and accompanying documentation talked about discriminatory “regulation” – not enforcement. The case was tracked for ADR after that and we did not hear anything from OGC or OCR until March 2015 when Mary O’Lone called to let me know that ADR had failed and that OCR would be commencing an investigation of the case, and OCR

would be reaching out to the DEN for assistance as needed. In addition, Mary O'Lone also contacted Carol Galloway, the CAFO coordinator in R7 for assistance in understanding CAFOs.

I had heard nothing more on this case until your email below. Mary also sent me the documentation you sent and let me know that she had reached out to Nancy Tomelleo in R4 on this matter.

As soon as I hear anything else from Mary I will let you know so that we can determine our involvement going forward.

Eva H. Kreisler, Senior Attorney

International Compliance Assurance Division

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From: Starfield, Lawrence
Sent: Thursday, September 08, 2016 6:28 PM
To: Kreisler, Eva <Kreisler.Eva@epa.gov>
Subject: FW: EPA OCR File No. 11R-14-R4

Eva,

I think you determined that this was a permitting, not enforcement, case, but I'm sharing this in case we need to look at it. Thanks.

Larry

From: Dorka, Lilian

Sent: Thursday, September 08, 2016 6:07 PM

To: Haddix, Elizabeth McLaughlin <emclaugh@email.unc.edu>

Cc: Covington, Jeryl <Covington.Jeryl@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>; Neal, Daria (CRT) <Daria.Neal@usdoj.gov>; Alexis Andiman <aandiman@earthjustice.org>; Marianne Engelman Lado (mengelmanlado@earthjustice.org) <mengelmanlado@earthjustice.org>; Ducharme, Brent <ducharme@email.unc.edu>; Dorosin, Mark <dorosin@email.unc.edu>; ferrell.erika@epa.gov; Isales, Daniel <Isales.Daniel@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; Lapierre, Kenneth <Lapierre.Kenneth@epa.gov>; Tommelleo, Nancy <Tommelleo.Nancy@epa.gov>; HALIM-CHESTNUT, NAIMA <Halim-Chestnut.Naima@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Kreisler, Eva <Kreisler.Eva@epa.gov>

Subject: RE: EPA OCR File No. 11R-14-R4

Thanks for this information Elizabeth relative to our investigation of OCR File No. 11R-14-R4 against NC DEQ. (Also copying here colleagues from Region 4 and OECA fyi.)

Lilian Sotolongo Dorka

Acting Director, EPA, Office of Civil Rights

202-564-9649

WJC-N Room 2450

From: Haddix, Elizabeth McLaughlin [mailto:emclaugh@email.unc.edu]
Sent: Thursday, September 08, 2016 11:42 AM
To: Dorka, Lilian <Dorka.Lilian@epa.gov>
Cc: Covington, Jeryl <Covington.Jeryl@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>; Neal, Daria (CRT) <Daria.Neal@usdoj.gov>; Alexis Andiman <aandiman@earthjustice.org>; Marianne Engelman Lado (mengelmanlado@earthjustice.org) <mengelmanlado@earthjustice.org>; Ducharme, Brent <ducharme@email.unc.edu>; Dorosin, Mark <dorosin@email.unc.edu>; ferrell.erika@epa.gov; Isales, Daniel <Isales.Daniel@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>
Subject: RE: EPA OCR File No. 11R-14-R4

Dear Ms. Dorka,

Attached please find another supplement to OCR File No. 11R-14-R4. **Ex. 6 - Personal Privacy**

Ex. 6 - Personal Privacy

The attached also brings to EPA's attention the recent apparent permit violations last week during Hurricane Hermine.

Please feel free to contact us any time to discuss the attached. And thank you again for your efforts in securing a time to meet with our clients on October 5.

Best regards,

Elizabeth

Elizabeth Haddix

Senior Staff Attorney

UNC Center for Civil Rights

323 West Barbee Chapel Rd.

Chapel Hill, NC 27517

Tel. 919.445.0176

Fax 919.843.6748

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To: Shenkman, Ethan[Shenkman.Ethan@epa.gov]; Packard, Elise[Packard.Elise@epa.gov]; Rhodes, Julia[Rhodes.Julia@epa.gov]; Biffl, Betsy[Biffl.Betsy@epa.gov]; Johnson, Johanna[Johnson.Johanna@epa.gov]; Harrell, Collette[Harrell.Collette@epa.gov]; Prabhu, Aditi[Prabhu.Aditi@epa.gov]; Redden, Kenneth[Redden.Kenneth@epa.gov]; Gsell, Alyssa[Gsell.Alyssa@epa.gov]
Cc: Hansen, Cory[Hansen.Cory@epa.gov]; Halpern, Simon[Halpern.Simon@epa.gov]; Patrick, Monique[Patrick.Monique@epa.gov]; Kupchan, Simma[Kupchan.Simma@epa.gov]; Dorka, Lilian[Dorka.Lilian@epa.gov]; Tommelleo, Nancy[Tommelleo.Nancy@epa.gov]; Isales, Daniel[Isales.Daniel@epa.gov]; Orlin, David[Orlin.David@epa.gov]; Covington, Jeryl[Covington.Jeryl@epa.gov]; Farrell, Ericka[Farrell.Ericka@epa.gov]; Diaz, Denisse[Diaz.Denisse@epa.gov]; Joe, Don[Joe.Don@epa.gov]; Zimmer, Andrea[Zimmer.Andrea@epa.gov]
From: O'Lone, Mary
Sent: Tue 8/2/2016 7:56:18 PM
Subject: RE: CRFLO Weekly Title VI Meeting (Conference Call Number [Ex. 6 - Personal Privacy]
Code: [Ex. 6 - Personal Privacy]
[Demographics general.docx](#)
[Visuals of Swine CAFOs & demographics.docx](#)

A visual that we will show Ethan & some demographics

Mary O'Lone
Civil Rights and Finance Law Office
Office of General Counsel
US EPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460
(202) 564-4992

-----Original Appointment-----

From: Shenkman, Ethan
Sent: Friday, July 08, 2016 11:48 AM
To: Shenkman, Ethan; Packard, Elise; Rhodes, Julia; Biffl, Betsy; Johnson, Johanna; Harrell, Collette; Prabhu, Aditi; Redden, Kenneth; Gsell, Alyssa; O'Lone, Mary
Cc: Hansen, Cory; Halpern, Simon; Patrick, Monique; Kupchan, Simma; Dorka, Lilian; Tommelleo, Nancy; Isales, Daniel; Orlin, David; Covington, Jeryl; Farrell, Ericka; Diaz, Denisse; Joe, Don; Zimmer, Andrea
Subject: CRFLO Weekly Title VI Meeting (Conference Call Number: [Ex. 6 - Personal Privacy]
[Ex. 6 - Personal Privacy]
When: Tuesday, August 02, 2016 4:00 PM-5:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: DCRoomARN6013/DC-Ariel-Rios-OGC